

Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MILLER of Delaware: Evidence in support of House bill 9004, granting an increase of pension to Julia W. Simpson; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petitions of Herman Held, Max Schneider, Peter Dorsam, and others, of Philadelphia, Pa., favoring embargo on munitions; to the Committee on Foreign Affairs.

Also, petition of D. F. Waters, of Germantown Dye Works, favoring tariff on dyestuffs; to the Committee on Ways and Means.

By Mr. MORIN: Memorial of Capt. Alfred E. Hunt Camp, No. 1, Department of Pennsylvania, favoring legislation granting relief to widows and orphans of veterans of the Spanish-American War; to the Committee on Invalid Pensions.

Also, memorial of the Traffic Club of New York, urging immediate repeal of the seaman's act; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of James R. Miller and Margaret S. Patton, in favor of the passage of the Keating-Owen child-labor bill; to the Committee on Labor.

Also, petition of C. K. S., favoring the Keating-Owen child-labor bill; to the Committee on Labor.

By Mr. PAIGE of Massachusetts: Papers in support of House bill 9997, relative to Charles P. Morse; to the Committee on Military Affairs.

By Mr. PRATT: Petition of Mr. Harry S. Houghton, of Elmira Heights, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Gard W. Ford, of Hornell, N. Y., protesting against preparedness; to the Committee on Military Affairs.

By Mr. ROBERTS of Massachusetts: Evidence to accompany bill granting a pension to Harry A. Leonard; to the Committee on Pensions.

Also, evidence in support of bill granting a pension to Charles H. Avery; to the Committee on Invalid Pensions.

By Mr. ROWE: Memorial of American Federation of Labor at San Francisco, Cal., protesting against repeal of the seamen's law; to the Committee on the Merchant Marine and Fisheries.

Also, petition of piano manufacturers of New York City, favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Texas: Petition of Frank Cheatham Camp, No. 314, United Confederate Veterans, at Breckinridge, Tex., favoring pensions for Confederate veterans and widows of same; to the Committee on Pensions.

By Mr. STEDMAN: Petition of employees of Amazon Cotton Mills, of Thomasville, N. C., protesting against child-labor bill; to the Committee on Labor.

By Mr. STEPHENS of California: Memorial of the State Board of Education of California, approving the policy of extending national aid to the various States for the purpose of assisting them in providing opportunities for vocational education to those individuals who anticipate entering or who have already entered the occupations of agriculture, trade, industry, commerce, and home making, and favoring the passage of the measure generally known as the Page bill, and introduced in the Senate of the United States by Senator SMITH of Georgia at the second session of the Sixty-third Congress; to the Committee on Agriculture.

Also, petition of Home Industry League of California, favoring preparedness; to the Committee on Military Affairs.

Also, petition of F. R. Fancher, of Redondo Beach, Cal., protesting against any bill seeking to establish a Federal censorship of motion pictures; to the Committee on Education.

Also, memorial of Los Angeles County Woman's Christian Temperance Union, against preparedness; to the Committee on Military Affairs.

By Mr. TINKHAM: Petition of Commissioner H. J. Skeffington, favoring an appropriation for the building of an immigrant station at the port of Boston; to the Committee on Public Buildings and Grounds.

Also, petition of sundry firms of the State of Massachusetts, favoring legislation protecting the manufacture of dyestuffs and munitions of war; to the Committee on Ways and Means.

By Mr. THOMAS: Memorial of District No. 23, United Mine Workers of America, asking publication of full report of Industrial Relations Commission; to the Committee on Printing.

Also, memorial of District No. 23, United Mine Workers of America, protesting against preparedness; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, January 26, 1916.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we know that Thou hast so constituted human life as that good may be brought out of every ill. Where sin has abounded grace hath much more abounded. Amid the conflict, the chaos, and the strife of the world which afflict our ears every day, telling the story of suffering and oppression, we pray that at least we may by our generous response and our hearty brotherhood gain the friendship of those who are distressed and gain for ourselves the sweet satisfaction of a blessed service.

We pray Thy blessing upon the generous offerings of this people poured upon the altar of humanity, that they may have the approval and the blessing of the Divine One upon them all, and through our service may we learn where honor is, the honor of a great nation like ours. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

EDITORIAL ON MEXICAN SITUATION.

Mr. WORKS. Mr. President, I have here an editorial from the Evening Express, of Santa Barbara, Cal., on the Mexican situation. It is a very temperate and dispassionate statement of the conditions, and as it is both interesting and instructive I should like to have it printed in the Record.

Mr. SMOOT. I did not hear the request of the Senator from California. What is the paper?

Mr. WORKS. I request to have printed in the Record an editorial from the Santa Barbara Express on the Mexican situation.

Mr. SMOOT. Mr. President, I gave notice some time ago that I thought the time had arrived when editorials from newspapers on matters of this kind should be kept out of the Record. I do not know whether this is the time I should insist upon that course, but I want to say to the Senator that I am having figured up the amount of pages in the Record taken up by newspaper and magazine articles to show the percentage of the pages of the Record of such items. I will know in a day or two what that percentage is up to date; but I am quite certain the Record contains at least half of matter that has never been read or uttered in either House of Congress. I think the practice is being abused greatly, and if the Senator does not really think that the printing of this editorial in the Record is necessary, I should like very much to have him withdraw the request.

Mr. WORKS. Mr. President, I have received a great many articles from newspapers that ought not to go into the Record at all. It was because of the nature of this particular editorial, which is very temperate in character and which I think would be instructive, that I have asked it may be printed in the Record. It is not one calculated to arouse the passion of the country. I think it is quite unwise to put in matters of that kind.

I would be glad if the Senator from Utah would look at it and see if he will not change his opinion as to printing it at the present time. If the Senator, or any other Senator, has serious objection after reading the editorial, of course I shall not ask to have it printed.

Mr. SMOOT. With that understanding, I shall not object. I want to see what it is.

Mr. STONE. Does it go in?

The VICE PRESIDENT. That is what the Chair wants to know, whether it goes in the Record or is left to the Senator from Utah to determine.

Mr. STONE. Mr. President, I am entirely in sympathy with what the Senator from Utah has stated and with his declared purpose to object. I do not think we ought to have a mass of newspaper editorials and matters of that kind put into the Record. No one ever reads them, or very few. It is not very informing and it is expensive. It simply gives to such a paper the right of the franking privilege. If the Senator from Utah does not object, I shall myself, in pursuance of the notice I gave some time ago.

Mr. SMOOT. I object at this time to printing the article in the Record.

Mr. GALLINGER. Mr. President—

Mr. WORKS. I reserve the right to use it at some other time, and I withdraw the request for the present.

Mr. GALLINGER. I was about to remark, if the Senator will permit me, that the objection will hold until the Senator who offered it or some other Senator will read it to the Senate, and then it will go into the Record. That is about all an objection amounts to.

ESTIMATES OF DEFICIENCY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney General submitting an urgent estimate of deficiency in the appropriation for printing and binding, Court of Claims, for the fiscal year ending June 30, 1916, \$5,000 (S. Doc. No. 258), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture submitting an urgent estimate of appropriation for destruction of predatory animals for suppression of rabies, \$75,000 (S. Doc. No. 257), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture submitting an urgent estimate of appropriation for cooperative investigations for eradication of white-pine blister rust, \$20,000 (S. Doc. No. 259), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall, in certain cases, aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Eugene L. Aldrich, of Keene, N. H., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented the memorial of A. Sharpe, of Wolfeboro, N. H., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented the petition of Albert D. Carter, of Tilton, N. H., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented the petition of James L. McConanghy, of Hanover, N. H., praying that increased appropriations be made for the maintenance of the Bureau of Education, which was referred to the Committee on Appropriations.

Mr. CUMMINS presented petitions of sundry citizens of Waverly, Dubuque, Durango, and Dows, all in the State of Iowa, praying for the placing of an embargo on the exportation of munitions of war, which were referred to the Committee on Foreign Relations.

Mr. NORRIS presented a memorial of sundry citizens of Nebraska, remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. McCUMBER presented a memorial of the American-Norwegian Chamber of Commerce, of Chicago, Ill., remonstrating against the interference with trade between Norway and the United States, which was referred to the Committee on Foreign Relations.

He also presented petitions of 240 citizens of North Dakota, praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which were referred to the Committee on Education and Labor.

He also presented memorials of the Farmers' Educational and Cooperative Union of Center and of the Farmers' Educational and Cooperative Union of Burleigh County, in the State of North Dakota, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of the American-Norwegian Chamber of Commerce, of Chicago, Ill., remonstrating against the interruption of commerce between the United States and Norway by the British Government, which was referred to the Committee on Foreign Affairs.

Mr. O'GORMAN presented a petition of the Chamber of Commerce of Plattsburg, N. Y., praying for the creation of a tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the Real Estate Board of Trade of New York City, N. Y., remonstrating against an extension

of the so-called emergency war-revenue law as applied to real estate, which was referred to the Committee on Finance.

He also presented the memorial of Dr. John T. Nagle, of New York City, N. Y., remonstrating against the automatic citizenship of expatriated natives, of naturalized Americans, and those who have enlisted in the service of foreign Governments being restored to American citizenship without naturalization, etc., which was referred to the Committee on Foreign Relations.

Mr. ASHURST. I present a petition signed by a number of citizens of the town of Nogales, Ariz. I ask that the body of the petition, together with the first signature, be printed in the RECORD, and that the petition be referred to the Committee on Foreign Relations.

There being no objection, the petition was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

NOGALES, ARIZ., January 17, 1916.

To Senator HENRY F. ASHURST, Washington, D. C.:

We, the undersigned, members of the Chamber of Commerce and citizens of the town of Nogales, Ariz., desire to express our sincere sorrow for the relatives and friends of the victims of the dastardly outrage committed by Mexican outlaws and bandits, whoever they may be, at Santa Isabel, Chihuahua, on Monday, January 10, 1916, and our heartfelt sympathy for them in their hour of great grief and sorrow.

Realizing as we do the deep gravity of the situation which now on all sides confronts the American people and the grave responsibility which is placed upon President Wilson and the administration at Washington, we hereby desire to express our full confidence in the President and those in authority with him, and as American citizens to assure him and them of our loyal support and assistance in arriving at a correct and just solution of the difficult problems with which they find themselves confronted.

And we condemn, with all the vehemence of which we are capable, and repudiate the rash, unnecessary, ill-timed, uncalled-for and insulting resolutions prepared and adopted by a committee purporting to represent the Nogales Chamber of Commerce, as published in a Nogales newspaper; and we most emphatically deny that these resolutions express the sentiment of the people of Nogales or that the persons responsible for them represent the populace of this border community.

We believe that at such a time as the present it is the duty of every loyal American to refrain from giving rise to any act, or expression to any thought, which may in any manner or to any degree cause embarrassment to those in authority; and when, as now, the administration and the Congress of the United States are giving the benefit of their united wisdom, coupled with their years of experience, to the solution of the problems on hand, and when every word spoken by them is guarded in the interest of true Americanism, we regret the indiscretion which prompted the resolution of such committee.

ALLEN T. BIRD,
(And 37 other names).

Mr. PHELAN. I present a joint resolution of the Legislature of California, which I ask may be printed in the RECORD and referred to the Committee on Public Health and National Quarantine.

There being no objection, the joint resolution was referred to the Committee on Public Health and National Quarantine and ordered to be printed in the RECORD, as follows:

Assembly joint resolution 2 (by Mr. H. W. Wright, of sixty-ninth district) relating to Federal aid for indigent persons afflicted with tuberculosis in State or other institutions when such persons are nonresidents of the State in which such institutions are located.

Whereas the State of California has made such provision as its resources allow for the proper care in public institutions of patients afflicted with tuberculosis of the lungs; and

Whereas many thousands of patients afflicted with tuberculosis come to this State from other States, many of whom become a charge on State and municipal funds; and

Whereas there has been introduced in Congress a bill providing Federal aid for indigent nonresident tuberculosis patients cared for in hospitals which conform to the hygienic standard established by the United States Treasury Department: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That we consider the proposed measure to be of the greatest importance to this State and to the whole Nation, and express the hope that it may become law at the present session of Congress; and be it further

Resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to use all honorable means to expedite and secure the passage of said bill; and be it further

Resolved, That the chief clerk of the assembly be, and he is hereby, directed to transmit a certified copy of these resolutions to the President and Speaker, respectively, of the Senate and House of Representatives and to each of our Senators and Representatives in Congress.

C. C. YOUNG,
Speaker of the Assembly.
L. B. MALLORY,
Chief Clerk of the Assembly.

Received by the governor this 10th day of January, A. D. 1916.

ALEXANDER MCCABE,
Private Secretary to the Governor.

Witness my signature and the seal of this office at Sacramento this 10th day of January, A. D. 1916.

[SEAL.] FRANK C. JORDAN,

Secretary of State.

Mr. PHELAN presented a petition of sundry citizens of Loomis, Cal., praying for the enactment of legislation to exploit the water power of the country, which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 3872) for the relief of John Horgan, which were referred to the Committee on Claims.

Mr. MARTINE of New Jersey presented a petition of the Society of the Sons of the American Revolution of New Jersey, praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the State Federation of Women's Clubs of East Orange, N. J., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. DU PONT presented a petition of the German-American Alliance of Wilmington, Del., praying for the enactment of legislation to prohibit American citizens from taking passage on vessels of a belligerent country, which was referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented a petition of sundry citizens of Jackson, Mich., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. WORKS presented a petition of sundry citizens of Los Angeles, Cal., praying for the imposition of a prohibitive tax on intoxicating liquors, which was referred to the Committee on Finance.

He also presented a petition of the Church Federation of Sacramento, Cal., praying for the enactment of legislation to make the national parks available as playgrounds, which was referred to the Committee on Education and Labor.

He also presented a petition of the City Council of Los Angeles, Cal., praying that an appropriation be made for the construction of a dam north of Los Angeles Harbor, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Pedro, Cal., praying that an appropriation be made for the control of the floods in the harbor of Los Angeles, which was referred to the Committee on Commerce.

He also presented petitions of the Merchants' Association of Fresno; the California Development Board, of San Francisco; and the Merchants' Association of Colton, all in the State of California, praying for the enactment of legislation to protect the rights of oil producers and consumers, which were referred to the Committee on Public Lands.

Mr. SHERMAN presented a petition of sundry citizens of Chicago, Ill., praying for the adoption of an amendment to the Clayton antitrust law so as to permit directors of national banks to also be directors in State banks, which was referred to the Committee on the Judiciary.

He also presented the petition of J. M. Garland, of Springfield, Ill., praying for the repeal of the stamp tax on express, telegrams, and notes, and remonstrating against the imposition of a stamp tax on bank checks, which was referred to the Committee on Finance.

Mr. WEEKS presented sundry papers to accompany the bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts, which were referred to the Committee on Claims.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. GIRONNA, from the Committee on Claims, to which was referred the bill (S. 1326) for the relief of Vilhelm Torkildsen, reported it with an amendment and submitted a report (No. 68) thereon.

Mr. LANE, from the Committee on Claims, to which was referred the bill (S. 640) for the relief of Ellen B. Monahan, reported it with an amendment and submitted a report (No. 69) thereon.

Mr. CATRON, from the Committee on Claims, to which was referred the bill (S. 142) for the relief of Mrs. George A. Miller, reported it with an amendment and submitted a report (No. 70) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 3949) to increase the limit of cost of the construction of a Federal building at Long Island City, Long Island, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. MARTINE of New Jersey:

A bill (S. 3950) governing the hours of work and mileage of railway postal clerks (with accompanying papers); to the Committee on Post Offices and Post Roads.

By Mr. SHEPPARD:

A bill (S. 3951) to establish national cooperative rural banking associations; to the Committee on Banking and Currency.

A bill (S. 3952) making appropriation for investigation and promotion of rural education; to the Committee on Education and Labor.

A bill (S. 3953) requesting the Secretary of the Treasury to investigate and report as to the advisability of erecting public buildings in certain towns and cities in Texas; to the Committee on Public Buildings and Grounds.

By Mr. HUGHES:

A bill (S. 3954) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915; to the Committee on Interstate Commerce.

Mr. BORAH. On behalf of my colleague, who is absent on account of illness, I introduce a number of bills, and ask that they be received and appropriately referred.

By Mr. BORAH (for Mr. BRADY):

A bill (S. 3955) for the relief of Aaron Kibler; to the Committee on Military Affairs.

A bill (S. 3956) for the relief of John Boyd (with accompanying papers); to the Committee on Indian Affairs.

A bill (S. 3957) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation, in Idaho;

A bill (S. 3958) for the relief of Peter W. Anderson;

A bill (S. 3959) for the relief of Fred Larsen; and

A bill (S. 3960) for the relief of Mary Van Deventer; to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 3961) to correct the military record of Robert Kee, alias Robert Adams; to the Committee on Military Affairs.

A bill (S. 3962) for the relief of the legal representatives of the estate of Henry H. Sibley, deceased; to the Committee on Claims.

A bill (S. 3963) granting an increase of pension to Nellie S. Nanson;

A bill (S. 3964) granting an increase of pension to Max A. Pietsch;

A bill (S. 3965) granting an increase of pension to Halvor Anderson (with accompanying papers); and

A bill (S. 3966) granting an increase of pension to James A. McConkey (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3967) to survey and locate a military and post road from St. Louis, Mo., to Olympia, Wash.; to the Committee on Military Affairs.

A bill (S. 3968) granting an increase of pension to Charles W. Sager (with accompanying papers); and

A bill (S. 3969) granting an increase of pension to John R. Randall (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 3970) providing for the construction and equipment of a storehouse at Benicia Arsenal, State of California; to the Committee on Military Affairs.

By Mr. SHIELDS:

A bill (S. 3971) granting a pension to Mary A. Newman (with accompanying paper); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 3972) to provide for selection by the Omaha Indians and the setting apart of reservation lands for tribal cemetery purposes; to the Committee on Indian Affairs.

By Mr. CATRON:

A bill (S. 3973) for the relief of Clyde R. Altman; to the Committee on Military Affairs.

By Mr. BROUSSARD:

A bill (S. 3974) relating to certain employees under the Civil Service; to the Committee on Civil Service and Retrenchment.

By Mr. DU PONT:

A bill (S. 3975) granting an increase of pension to Harry Colpus; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3976) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory; to the Committee on the Judiciary.

A bill (S. 3977) to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns, to con-

struct a railroad bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa.; and

A bill (S. 3978) to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the west branch of the Susquehanna River from the borough of Milton, Northumberland County, Pa., to the borough of West Milton, Union County, Pa.; to the Committee on Commerce.

(By request.) A bill (S. 3979) for the relief of Clyde R. Altman; to the Committee on Military Affairs.

A bill (S. 3980) granting an increase of pension to Benjamin Jenkins; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 3981) for the relief of S. Hodge (with accompanying papers); to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 3982) to establish the Mount Baker National Park in the State of Washington; to the Committee on Public Lands.

A bill (S. 3983) authorizing the President to appoint Charles F. Smith a first lieutenant of the Regular Army, and for other purposes; to the Committee on Military Affairs.

By Mr. BORAH (for Mr. BRADY):

A joint resolution (S. J. Res. 87) for the relief of N. B. Pettibone; to the Committee on Post Offices and Post Roads.

THE JUDICIAL CODE.

Mr. SHIELDS submitted four amendments intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which were referred to the Committee on the Judiciary and ordered to be printed.

STATUE OF HENRY MOWER RICE.

Mr. NELSON. I submit a resolution, which I send to the desk, and ask for its immediate consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Minnesota will be read.

The Secretary read the resolution (S. Res. 80), as follows:

Resolved, That exercises appropriate to the reception and acceptance from the State of Minnesota of the statue of Henry Mower Rice, erected in Statuary Hall in the Capitol, be made the special order for Saturday, February 19, 1916, after the conclusion of the routine morning business.

Mr. NELSON. Mr. President, I wish to say in explanation of the resolution that the statue of Mr. Rice, who was the first Senator from Minnesota, is soon to be placed in Statuary Hall in the Capitol, and that this resolution follows the precedent which has been established in such cases.

The resolution was considered by unanimous consent and agreed to.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. McCUMBER submitted the following resolution (S. Res. 81), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Transportation Routes to the Seaboard be authorized to employ an additional clerk, at a salary of \$100 per month, for the balance of the present fiscal year, the same to be paid out of the contingent fund of the Senate.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. CHILTON submitted the following resolution (S. Res. 82), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Census be authorized to employ an assistant clerk at the rate of \$120 per month, to be paid out of the contingent fund of the Senate for a period not exceeding two months.

COMMITTEE SERVICE.

The VICE PRESIDENT. The Chair lays before the Senate the following communication, which will be read.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., January 25, 1916.

The VICE PRESIDENT,
United States Senate, Washington, D. C.

DEAR MR. PRESIDENT: This is to inform you that I desire to be relieved from further service on the Committee on the Disposition of Unsettled Papers in the Executive Departments.

Very truly, yours,

HARRY LANE.

Mr. KERN. I send to the desk my resignation as a member of the Committee on the District of Columbia, which I ask may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C.

MR. PRESIDENT: I hereby resign my membership on the Committee on the District of Columbia.

JOHN W. KERN.

Mr. KERN. I move the adoption of the following order.

The order was read and agreed to, as follows:

Ordered, That Hon. JAMES D. PHELAN, junior Senator from the State of California, be appointed as a member of the Committee on the District of Columbia to fill the vacancy occasioned by the resignation of Senator KERN.

ADDRESS BY J. F. CALBREATH.

Mr. SHAFROTH. Mr. President, I present an address by J. F. Callbreath, secretary of the American Mining Congress, delivered January 4, 1916, before the second Pan American Scientific Congress in Washington, District of Columbia. I ask unanimous consent that it be made a public document.

Mr. SMOOT. I am of the opinion that that address has already been printed as a public document in connection with the other addresses which were delivered before that congress.

Mr. SHAFROTH. If that is true, I do not care to press the request.

The VICE PRESIDENT. It had better go to the Committee on Printing.

Mr. SHAFROTH. I will withhold it.

Mr. SMOOT. Let it go to the Committee on Printing.

The VICE PRESIDENT. It will be so referred.

NEW YORK STATE BAR ASSOCIATION.

Mr. O'GORMAN. Mr. President, I ask unanimous consent to have printed as a public document the second report of the committee on the duty of courts to refuse to execute statutes in contravention of the fundamental law, adopted by the New York State Bar Association.

Mr. SMOOT. I ask that that paper may go to the Committee on Printing.

Mr. O'GORMAN. We printed the first report and this is the second one.

Mr. SMOOT. I will look it over and see about it.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

ADDRESS BY HON. A. C. GORDON (S. DOC. NO. 256).

Mr. MARTIN of Virginia. Mr. President, on the 4th day of March, 1911, Congress made an appropriation for the erection of a suitable monument over the grave of ex-President John Tyler. The monument, in accordance with the act of Congress, was erected by the War Department, and it was dedicated on the 12th day of October, 1915. In the meantime a committee of the two Houses had been appointed to represent Congress at the dedication.

On the occasion of the dedication a very able and interesting address was delivered by Mr. A. C. Gordon, a distinguished author and lawyer in my State. The address is such a very able and philosophic discussion of the period of President Tyler that I ask it may be printed as a Senate document.

Mr. SMOOT. I will ask the Senator if the address was delivered in connection with the dedication of the monument?

Mr. MARTIN of Virginia. It was. The monument was erected under an act of Congress, and a delegation from Congress was present to represent Congress at the dedication. I ask that the address may be printed as a document.

The VICE PRESIDENT. Without objection, it is so ordered.

TARIFF COMMISSION.

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from President Nicholas Murray Butler, of Columbia University, in favor of establishing a permanent tariff commission; also a letter from Prof. Hadley, of Yale University, on the same subject; also a letter from Hon. E. A. Filene, of Boston, favoring the establishment of such a commission.

I ask to have read to the Senate a letter from Hon. Howard H. Gross, of Chicago, president of the Tariff Commission League.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I do not know how long these letters are.

Mr. GORE. I ask for the reading of only one of the letters. It is not very lengthy. The others I ask to have printed in the RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read the letter referred to.

The Secretary read as follows:

JANUARY 25, 1916.

MY DEAR SENATOR: I am very glad to reply to your inquiry and say why, in my opinion, a nonpolitical tariff commission should at once be created and permanently maintained. As president of the Tariff Commission League, I have for more than a year, aided by a number of able field assistants, made a careful study of the subject and a thorough canvass of more than 30 States to feel out public sentiment. The following summary is conservative as to conditions and how it is best to meet them.

We are facing a future of great uncertainty and perhaps of peril. Our revenues must be largely increased and the tariff should be readjusted with that in view. Since the Underwood-Simmons Tariff Act

was passed conditions have greatly changed and are still changing. No one can approximate what the situation will be in six months or a year. We are sure that, with over fifty billions of wealth already destroyed and half a continent laid waste by war, that when peace comes and ten to twenty millions of men, now in trenches, go back to the industries we will, in common with all other countries, face an unparalleled situation that will call for a world-wide readjustment.

If it were conceded that the present tariff laws were the best ever enacted, it does not now and can not under the changed conditions meet the requirements. The data upon which it was based has in a large measure become obsolete. There seems but one thing to do: Make at once such changes as will increase the revenue to the amount required and at the same time create a nonpolitical tariff commission, equally balanced between the majority and minority parties, and give its members a long tenure of office, with broad powers and an ample appropriation, so that it may take up and fully and fairly investigate the whole subject of tariff, both revenue and protective, gather all the facts that can be had, and then analyze, arrange, classify, and index them with such explanations as will make them readily understood and available.

This commission should be responsive to Congress and it should be broadly representative of all the people and all the great industries, including agriculture and labor along with manufactures, commerce, and general business. Given a commission of high personnel and its reports and conclusions would be accepted by the people. If, however, the same work were done by a bureau responsive to a Cabinet officer, the result would be regarded as *ex parte* and open to question.

The demand for a nonpolitical tariff commission is widespread and insistent and comes from all classes of people from various parts of the country. The American Federation of Labor at its late convention in San Francisco went on record strongly for it, and instructed its legislative committee to work for the passage of an act to create such a commission upon which both agriculture and labor should be represented. The National Grange and other agricultural organizations are actively supporting it. Practically the entire agricultural and labor press are urging the plan. The Chamber of Commerce of the United States, by a referendum vote of 715 to 9, are in favor of such a commission. The records of our league are comprehensive and have been carefully kept. They show that more than 90 per cent of the organizations, associations, and publications, representing all political parties and all forms of activity, strongly approve the plan. Where six months ago occasional paragraphs appeared upon the subject, now columns are being printed. I never have known a movement having a more vigorous or spontaneous growth. The people with practically one voice declare that the tariff must be put upon an economic rather than a political basis. Is it a vain hope that when all the facts are fully, fairly, clearly, and impartially brought out and put before the people in understandable form that they will speedily declare for a tariff policy and adhere to it as other countries have done? The people think straight. Give them all the facts and turn on the light. The people should keep clearly before them that the tariff commission is not to decide upon tariff policies. That is the people's job. The commission can not make rates. Congress must do that. In tariff enactments, however, an able and efficient tariff commission can render invaluable service to the congressional committees, prevent them from being imposed upon by an unscrupulous lobby, and, with all the facts at hand, it can aid in a wise adjustment of the tariff rates as may become necessary. For generations we have tried making tariffs upon insufficient data plus guesswork and inspiration, and we have failed to satisfy the people. Within 23 years we have had five tariff revisions, and every time business has been upset, losses have taken the place of profits with hundreds of thousands of idle men. If the aggregate loss could be totaled the sum would be appalling. One of the first steps in a sane program of preparedness is to increase the revenue and get ready to adjust ourselves to coming conditions. We must prepare for peace as well as for war. Anyone who would tinker the tariff for political ends under existing conditions should be regarded a public enemy.

Very truly, yours,

HOWARD H. GROSS,
President of the Tariff Commission League,
To the Hon. THOMAS PRYOR GORE,
United States Senate.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., January 12, 1916.

Mr. H. H. GROSS,
Congress Hall Hotel, Washington, D. C.

DEAR SIR: The American Federation of Labor at its recent convention, held in San Francisco, November 8 to 22, 1915, adopted the following resolution:

- "Whereas periods of industrial depression are of frequent occurrence and cause loss of employment to thousands of wage earners throughout the country; and
- "Whereas these industrial depressions are often prolonged and made more acute by the political methods that have been followed in dealing with the question of tariff schedules; and
- "Whereas an agitation is now in progress throughout the country in favor of taking the tariff out of politics, through the creation by Congress of a permanent nonpartisan tariff commission: Therefore be it

"Resolved, That the American Federation of Labor indorses the idea of a nonpartisan tariff commission, and directs the executive council to instruct the incoming legislative committee to work for the passage of a bill creating a tariff commission on which all interest, including agriculture and labor, shall be directly represented."

This action of the convention expresses the attitude of the organized labor movement of America toward the creation of a permanent nonpartisan tariff commission, a movement in which you are greatly interested. As I thought this action of the convention might be of considerable use to you, I am officially notifying you.

Very truly, yours,

SAM GOMPERS,
President American Federation of Labor.

The additional letters were ordered to be printed in the RECORD, as follows:

COLUMBIA UNIVERSITY,
New York, November 15, 1915.

Hon. T. P. GORE,
United States Senate, Washington, D. C.

MY DEAR SIR: In reply to your kind inquiry for suggestions in regard to Senate bill 7190, being a bill to create an international

trade and tariff board, introduced by you at the third session of the Sixty-third Congress on January 8, 1915, and referred to the Committee on Finance, I beg to say—

1. That I am very much in favor of the creation of a tariff board or commission, with as large powers as may be found permissible under the Constitution, not only to inquire into matters of cost, production, labor conditions, and the like, but actually to formulate proposals and recommendations for the consideration of the Congress. The commission should have this power on its own initiative without being specifically asked to exercise it by the Congress. If the men appointed to the tariff board or commission were really disinterested and intelligent men, public opinion would do the rest.

2. That, in my judgment, the tariff policy of the United States should, in addition to providing revenue, be used to organize and to develop the national industries and resources and to conserve them, as well as to round out groups of industries and to make the United States industrially independent, at least in certain of the major lines of manufactured goods. For example, the experiences growing out of the European war show clearly that we must build up in this country a whole series of chemical industries, including particularly the dyestuffs, as to which we have heretofore been almost entirely dependent on other countries, especially Germany.

3. That the composition of the tariff board or commission should be without any regard to politics whatever, and that there should be no provision in the bill for dividing the commission between two or more political parties or for representing political parties thereon. If the tariff commission starts as a political body, it will end as a worthless one.

4. That care should be taken not to duplicate or in any way to overlap the functions and jurisdiction of the existing Trade Commission. The law establishing that commission is very defective, but a good seed has been sown from which later on important fruit may be gathered.

Without more study I could not express any opinion as to whether or not there exists in the present Government administrative service any body which might be transformed into an international tariff or trade commission without involving us in the steadily increasing expense which always attaches to a new administrative unit. What we sorely need in Washington is administrative reorganization and simplification, in order that the people's business may be transacted as efficiently and as economically as is the business of the stockholders of a first-rate railway or manufacturing corporation.

It will interest me very much to follow the public consideration and discussion of this bill.

Faithfully yours,

NICHOLAS MURRAY BUTLER.

YALE UNIVERSITY,
New Haven, Conn., November 22, 1915.

Hon. T. P. GORE.

MY DEAR SIR: Your bill creating an international trade and tariff board appears to me to be a wise one and to be drawn on the right general lines. I do not feel that I am in sufficiently close touch with the administrative problems that such a board would have to take up to be able to say more than this or to offer detailed suggestions as to the possible improvement of the proposed measure.

Very sincerely,

ARTHUR T. HADLEY.

BOSTON, November 15, 1915.

MY DEAR SENATOR: I have read the draft of the tariff board bill which you introduced in the last Congress with much interest, and I am writing to you because I want you to know that I am strongly in favor of your recommendation that the board shall consist of three Republicans and three Democrats. I feel that there will be a great advantage in such a make-up, and that its chance of being passed at the next session of Congress will be largely increased thereby.

The name of the bill, I think, was stronger in the old form—"International Trade and Tariff Board"—than it will be if you introduce the word "efficiency." However, it seems to me that it might be further strengthened by substituting, as a suggestion, the word "taxation" in the place of the word "tariff." In this way you will cover the whole ground of taxation and not be limited to the tariff. This, it seems to me, would be a very wise substitution, because the task of dealing with the entire subject of taxation is one which will naturally develop from a scientific study of the tariff situation. When it comes to efficiency, however, it is another matter, and the word itself has been so misapplied, and the results of this misapplication have so antagonized many manufacturers and business men, that it seems to me it will arouse more opposition than will be wise for us to incur.

You have asked whether I consider that \$7,500 would be an adequate compensation. Frankly, I do not. I think that the members of this commission should certainly be of at least as high grade as the members of the Federal Reserve Board, and I do not believe that such men can be obtained for less than \$10,000 salaries. An appropriation of \$250,000, I should say, would, therefore, be much nearer the figure than \$100,000.

Now, as to section 7, I am of the opinion that this commission should sit continuously through at least eight months of the year; and it would seem to me wise that the Secretaries of Commerce, Agriculture, and Labor and representatives of commercial organizations should meet with the tariff board on stated occasions to consider special questions likely to affect, or be affected by, their several departments. The precedent for this has already been set, I should think, by the fact that the Secretary of Commerce meets often the representatives of business organizations in order to promote the same good feeling for which it seems to be the purpose of your section to provide. With the other provisions of this section and of the bill I find myself practically in agreement. I hope that, as your letter seems to suggest, your purpose is to push it, if possible, to passage at the next session.

With kindest regards, believe me, sincerely yours,

EDWARD A. FILENE.
NOVEMBER 21, 1915.

I have held this letter to again think it over carefully. I find, after studying the matter once more, that this letter expresses my best judgment, except that I now find that I am doubtful whether the change suggested as to including "taxation" in the title is good advice.

E. A. F.

Hon. T. P. GORE,
Senator from Oklahoma, Washington, D. C.

HOUSE BILL REFERRED.

H. R. 7617. An act to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter was read twice by its title and referred to the Committee on Agriculture and Forestry.

INTERFERENCE WITH FOREIGN RELATIONS.

Mr. WALSH. Mr. President, I desire to give notice that on Friday next, the 28th instant, at the conclusion of the routine morning business, I shall address the Senate on the subject of interference with our foreign relations.

ELECTION OF SENATORS.

Mr. SHIELDS. Mr. President, when the Senate had under consideration Senate bill No. 2860, providing a temporary method of conducting the nomination and election of Senators of the United States, in February, 1914, Senator Bacon, of Georgia, moved to amend by striking out the provisions of section 2 of the bill, regulating the nomination of candidates for Senator, the objection to these being that while Congress had the power, under Article I, section 4, of the Constitution, to make or alter the regulations provided by the States concerning the time and manner of holding elections for Senators and Representatives, it had no power to regulate the nomination of candidates by political parties for these offices; and in this position he was supported by a number of Senators. I was one of the number in favor of the amendment, upon the grounds stated, and presented a number of adjudged cases which I then believed and now believe upheld the position that nominating devices of political parties were no part of an election and the control of them was not within the power and jurisdiction of the Congress. The adjudged cases upon which I relied were from the courts of last resort of a number of the States, but did not include any from the Federal courts. Since that time the question has been presented in the case of *C. P. Elliott v. R. L. Thompson et al.*, lately pending in the United States district court for the western division of the western district of the State of Missouri, and determined in all things as contended by Senator Bacon and those agreeing with him. The opinion in the case was delivered by Hon. Wilbur F. Booth, one of the district judges of the United States and a jurist of great learning and ability.

The question involved in the amendment of Senator Bacon was considered one of great importance by many Senators, as they regarded the provision for controlling the nomination of Members of Congress an insidious and gross encroachment upon and violation of the rights of the sovereign States to control their local affairs, and is not yet settled in favor of the legislation. It may come up again in Congress, and I desire, in support of the views of those who supported the amendment, to have the opinion of Judge Booth printed in the *RECORD*, and ask unanimous consent that it be done.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

The opinion referred to is as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DIVISION OF THE WESTERN DISTRICT OF MISSOURI, AT KANSAS CITY.

C. P. ELLIOTT, PLAINTIFF, V. R. L. THOMPSON, BENJAMIN RAPP, MAX C. ENGLEHARDT, PAT MURPHY, H. M. SMITH, J. C. BAIRD, R. H. FOSTER, H. C. HILL, WM. S. BEEBE, LEWIS SCHAFFER, WM. CONLIN, C. H. HERSEY, PETER KLINK, ET AL., DEFENDANTS.

This is an application by plaintiff for a *dedimus potestatem* to take depositions, as provided by section 866, Revised Statutes of the United States.

The application is opposed by defendants on the ground that the court has not jurisdiction of the action; on the further ground that the complaint does not state a cause of action; and on the further ground that the application should not be granted, because the granting of it would be contrary to the provisions of the constitution and statutes of the State of Missouri.

The action is brought by a citizen of the State of Missouri against defendants, who are also citizens of the State of Missouri, for damages alleged to have been sustained by reason of a conspiracy on the part of all of the defendants, and by reason, pursuant thereto, of the refusal by several of the defendants acting as judges and clerks of a certain primary election held in the city of Kansas City, State of Missouri, on the 4th day of August, 1914, to count the vote of the plaintiff as cast by him for WILLIAM P. BORLAND for Member of Congress.

Jurisdiction by this court is claimed to exist on the ground that the action is one arising under the Constitution and laws of the United States; the plaintiff alleging, "that said defendants herein did procure and cause the plaintiff to be deprived of a right and privilege secured to him by the Constitution and laws of the United States of voting for a Member of Congress for the fifth congressional district."

The right of suffrage in general is not a right that is based upon the Constitution and laws of the United States, nor conferred by Congress

upon anyone, but is conferred by the several States. (*Minor v. Happersett*, 21 Wall., 162; *United States v. Reese*, 92 U. S., 214; *United States v. Cruikshank*, 92 U. S., 544.)

The right to vote for Members of Congress, however, is based upon the Constitution and laws of the United States, and Congress may pass laws to protect this right. (*Ex parte Yarbrough*, 110 U. S., 651; *United States v. Moseley*, 237 U. S., 1.)

In the exercise of its power to protect this right Congress may adopt and has adopted many of the State laws relating to elections, and has provided punishment for a violation thereof, so far as such violations occur in elections where Representatives in Congress are being elected. That the officers of election wherein Representatives in Congress are elected, though appointed by the State, yet owe a duty to the United States, is also settled. (*Ex parte Siebold*, 100 U. S., 371; *Ex parte Clark*, 100 U. S., 401; *In re Coy*, 127 U. S., 731; *United States v. Aczel*, 219 Fed., 917.)

Furthermore, in cases of contested elections for Representatives in Congress the Federal courts have power to issue subpoenas to obtain evidence, and may authorize the taking of evidence before commissioners. (*In re Howell*, 119 Fed., 465.)

Even where the State constitution and laws, as in Arkansas, provide for sealing up the ballots and forbid their being opened, except in cases of contested election, it has been held that such ballots can be ordered produced before Federal grand jury in an investigation for violation of the Federal election laws. (*In re Massey*, 45 Fed., 629.)

Furthermore, wrongful interference with the right to vote at an election for a Representative in Congress gives rise to a cause of action against the wrongdoer, and such cause of action is one arising under the constitution and laws of the United States. (*Wiley v. Sinkler*, 179 U. S., 58; *Swafford v. Templeton*, 185 U. S., 491; *Knight v. Shelton*, 134 Fed., 423; *Brickford v. Brooks*, 165 Fed., 543.)

But, though the foregoing principles appear to be well established, it does not necessarily follow therefrom that the right to participate in a State primary election is a right arising under the Constitution and laws of the United States, even though Representatives in Congress may be nominated at such primary election. And the crucial question in this case is whether, conceding the right to vote at said primary election existed in the plaintiff, and conceding that this right was violated by the defendants, this state of facts gives rise to a cause of action which can be said to be a case arising under the Constitution and laws of the United States.

A State primary election is not an election within the meaning of that term as used in the State constitutions and laws. This is the view of the courts in the great majority of the decisions, although there are decisions to the contrary. (*State ex rel. Taylor*, 220 M. O., 619; *State v. Nichols*, 50 Wash., 508; *Lodgerwood v. Pitts*, 127 Tenn., 570; *State v. Johnson*, 87 Minn., 152; *State v. Erickson*, 119 Minn., 152; *Brown v. Smallwood* (Minn.), 153 N. W., 953; *Montgomery v. Cheif*, 118 Ky., 766; *Gray v. Seltz*, 162 Ind., 1.)

In *State v. Johnson*, supra, the court said:

"The primary election law simply adopts a general method by which all parties and organizations shall, in the interests of public order upon a certain day, within certain regulations, meet and select their various nominees to go upon the ballot for the ensuing election."

And again, in *State v. Erickson*, supra, the court said:

"Our primary election, which is purely of statutory origin, is the selection, by qualified voters, of candidates for the respective offices to be filled, while an election, which has its origin in the Constitution, is the selection by such voters of officers to discharge the duties of the respective offices."

The rights of candidates and voters at primary elections are widely different from the rights of candidates and voters at an election proper. Legislation on various points may be passed with reference to rights and procedure under a primary election which would be unconstitutional if applied to an election proper. The right at a primary is not a right to vote to elect, but a right to vote to nominate. In other words, the primary is a mere nominating device. See authorities supra.

It is claimed, however, that Congress has recognized primary elections, and attention is called to the act of August, 1911, chapter 32, being United States Compiled Statutes 1913, section 195.

But in my opinion, it does not follow that because Congress has recognized State primary elections for certain purposes that it has adopted all the State laws touching the preliminary machinery of the State primaries, so that such laws become, as to the election of Representatives in Congress, laws of the United States.

The case of *Anthony v. Burrow* (129 Fed., 783), in some respects analogous to the instant case, is instructive. Judge Pollock, after reviewing the cases of *ex parte Yarbrough*, *Wiley v. Sinkler*, and *Swafford v. Templeton*, supra, used the following language:

"From this it will be seen the claim made by solicitors for complainant, that the above and kindred cases hold the election machinery employed by the State in the selection of candidates for the office of Representative in Congress, becomes when so employed a part of the Federal law, and the construction of the same raises a Federal question, is claiming too much for such cases."

In the case at bar, not even the construction of the State law is involved, but it is contended that the violation of plaintiff's rights under said law constitutes a violation of the plaintiff's rights under the United States Constitution to vote for a Representative in Congress, because of a necessary connection between the right under the State law and the right under the United States Constitution. The claim is plausible, but, in my opinion, is not sound. As above stated, the great weight of authority is to the effect that a primary election is not an election within the meaning of the term as used generally in the State constitutions, and the same reasoning leads to the conclusion that a primary election is not an election within the meaning of that term as used in the Constitution of the United States in reference to the election of Representatives in Congress.

Nor is the right to participate in the primary to nominate candidates for Representatives in Congress a necessary part of the right to participate in the election. The primary election, as above shown, is simply a substitute for its predecessor, a convention or a caucus, and it is as stated above, a mere nominating device. It is true that in the interest of economy and practical efficiency in voting, many States have recognized this nominating device and prepare a so-called official ballot in accordance with the result of the primary; but no one is restricted in his vote at the final election to the names on the official ballot. At the election proper a voter may substitute a name of his own choice in place of a name on the ballot; this right can not be refused, and it is frequently exercised. The right therefore to participate in the nomination is not a necessary part of the right to elect, nor is it indispensably connected with it. In *State v. Johnson*, supra, the court said:

"The independence of the elector to cast his vote at the general election for those whom he believes will best represent his political ideas or best conserve public intercourse remains undisturbed."

While it is true that Congress has in the act of August, 1911, recognized for some purposes the primary election, it has also equally recognized nominating conventions. Would it be contended that if plaintiff had been voting for a precinct delegate to a county convention, which in turn should elect delegates to the congressional convention, which in turn should make nominations for Representatives in Congress, and the precinct judges had refused to count the plaintiff's vote as cast that a right of action in his favor would have arisen under the Constitution or laws of the United States? I think not. Yet his vote in the precinct would be a step taken toward the election of a Representative in Congress.

The weakness of the plaintiff's contention lies in the assumption that a nominating convention or a primary election is a necessary step in the election of a Representative in Congress. It is a very common step, but not a necessary step.

A primary election not being a necessary step in the election of a Representative in Congress, can not be held to be included by fair implication in the meaning of the term "election" as used in the Constitution of the United States touching the election of Representatives in Congress.

Whether it might be desirable for Congress to fully recognize and adopt the States' primary elections and the laws relating thereto so far as they relate to the nominations of Representatives in Congress and to provide for the protection and enforcement of the rights of voters at such primary elections is a question which the courts are not called upon to decide. It is sufficient to say that as yet Congress has not specifically done so, and, in my opinion, it has not done so by implication.

Before the court can grant the present application of the plaintiff it must decide that it has jurisdiction of the case on the ground that the action is one arising under the Constitution or laws of the United States. In my opinion the action does not so arise, either directly or by fair implication. Therefore I am constrained to hold that this court has not jurisdiction of the action, and it necessarily follows that the present application must be denied.

In view of the foregoing, it becomes unnecessary to decide or to discuss the other questions involved in the application.

Dated October 2, 1915.

WILBUR F. BOOTH, Judge.

THE GOVERNMENT OF THE PHILIPPINES.

The VICE PRESIDENT. The morning business is closed.

Mr. HITCHCOCK. Mr. President, I move that the Senate proceed to the consideration of the unfinished business—the Philippines government bill.

Mr. NEWLANDS. Mr. President—

The VICE PRESIDENT. The motion of the Senator from Nebraska is not debatable.

Mr. NEWLANDS. I wish to ask unanimous consent to say a few words.

The VICE PRESIDENT. Is there objection to the Senator from Nevada saying a few words? The Chair hears none. The Senator from Nevada.

Mr. NEWLANDS. Mr. President, I hope the motion made by the Senator from Nebraska [Mr. HITCHCOCK] will be defeated, because the regular order is the consideration of the calendar. When the calendar was last before the Senate we were in the consideration of the joint resolution providing for the appointment of a joint committee of the two Houses of Congress to inquire into interstate commerce. That matter has been dragging along for two or three days, but it will take only half an hour, or three-quarters of an hour, to conclude it, according to my present advice. I hope, therefore, that the regular order will be pursued.

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska [Mr. HITCHCOCK] to proceed to the consideration of Senate bill 381.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those islands.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Nebraska [Mr. NORRIS] to the amendment submitted by the Senator from Arkansas [Mr. CLARKE].

Mr. NORRIS. Mr. President, I offered the amendment which is now before the Senate as a substitute for the amendment offered by the Senator from Arkansas. Various amendments have been proposed to the amendment of the Senator from Arkansas. That Senator himself has had printed a different amendment, which, as I understand, he desires to substitute for his original amendment. Under the parliamentary procedure of the Senate none of these amendments are in order until the substitute which I have offered shall have been disposed of. I have, however, no disposition to prevent the consideration of these various amendments, and it may be that upon their presentation and consideration the amendment of the Senator from Arkansas may be so modified that it will meet with my approval. I therefore feel constrained at the present time to withdraw my amendment, with the statement that later on I may reintroduce it.

Mr. JONES. Mr. President, I had intended to give my views regarding this bill at some length. It is a most inviting field for discussion, but it has been considered from every viewpoint, and I shall not take much of the time of the Senate. In view of the votes I am going to cast, however, I deem a word of explanation proper.

I have no serious objections to the bill itself. Practically everybody in the Philippines seems to think some legislation of this character should be enacted now. I would be glad to vote for it standing alone.

I am unalterably opposed, however, to the preamble which pledges us to give the Filipinos their independence when we think it will be for their permanent benefit. While I believe it would be well for us when the Philippines shall be established as an absolutely independent nation, the time for that is not now. The preamble admits this fact, and those who know the situation know this to be a fact. The interests of the Filipinos should not alone determine the time for their separation from us. Our interests are at least of equal importance, and should not be disregarded, as they are in this pledge.

This problem is to be solved in the future, and future legislators should not be hampered or embarrassed by unnecessary action on our part. Let us solve the problems that confront us and leave them to solve their problems in their own way. No declaration with reference to independence is necessary now. It should not be made. It can only do harm. Wisdom, justice, and patriotism will not die with us. Future legislators will be just as wise and just as patriotic as we are. The conditions that will confront those who must deal definitely and directly with the question of independence may be entirely different from those which now confront us.

We have a striking illustration now of how quickly a change may be wrought in our public affairs and in our opinions and judgments. On December 8, 1914, a little over a year ago, the President of the United States was telling us in clear, classic, but emphatic language, not to get excited over war preparation, and that there was no need of changing the policy which we had been pursuing, while now, according to press reports, he is going to start out on a campaign of education to convince the people of the country that we are in danger from attack, that we lack adequate military preparation, and that immediate war preparation should be made. That message of December 8, 1914, was very unwise, if he is right now, and can only be a source of embarrassment.

These propositions regarding independence, in my judgment, Mr. President, would not be presented now except for the partisan declarations that have been made in political platforms heretofore framed in political conventions to meet what were thought to be existing partisan conditions, and largely through the influence of that gentleman who is now apparently considerably discredited within the ranks of his own party. They are here not in response to a sentiment from the Philippines, but because of these political platform promises. Let us not make the same mistake concerning the Philippines that the President made regarding preparedness. Let us not embarrass future legislative bodies or executive officers by unnecessary legislative compacts or unwise declarations regarding future action. I shall vote against the whole measure if the preamble is kept in or if any promise with reference to future independence is included in the bill.

I shall vote against any amendment looking to the neutralization of the islands through agreements with foreign countries. At first I was favorably impressed with this suggestion, but reflection has convinced me that it is fraught with the greatest of danger to us. This is a most inopportune time to attempt such negotiations. To suggest such treaties is to show our suspicion and distrust, and might, with some reason, be taken by certain countries as a national affront, and especially by the nation against which we are unwisely almost daily voicing our fear and suspicion.

Even if other nations were willing to enter into such a treaty, it would only mean trouble and danger for us to become a party to it. We want no entangling alliances about the Philippines. We should keep control of them until we are satisfied they are ready for independence, and then, if we want to withdraw our sovereignty, we should do so without any strings attached to our action. The only wise course for us to pursue is to continue the good work that we have been doing in the discharge of an unsought duty and maintain our sovereignty there until we believe it is for their best interests and ours that they be freed from our sovereignty, and then give them that freedom. Let them then take their place among the free and independent sovereignties of the world and work out their own destiny in their own way and without any obligations whatever upon our

part to protect or defend them. I can not conceive of any relation more unwise or more dangerous for us than the maintenance of a protectorate over the Philippine Islands. It would impose upon us the burdens and dangers of sovereignty without the power or opportunity of avoiding or preparing to meet them.

We have done a marvelous work in the Philippines. No nation in the world's history can point to a similar achievement. We freed them from the bondage of Spain. We took their multitude of tribes, some savage and some semisavage, speaking many different dialects, and are making of them a homogeneous people. Savagery is being eradicated, order is maintained, the principles of free government are being applied, and self-government established. Splendid roads have been constructed, a splendid public-school system established, sanitary measures perfected, agricultural development encouraged, and everything is being done to give these people self-government, and not only fit them for self-government but for independence. Let us not endanger this good work by prophetic declarations that can only hamper and embarrass future patriotic Congresses and lead to dissension, disorder, and insurrection in the islands and dangerous complications with other nations.

Mr. President, I find on my desk this morning an amendment offered by the Senator from Iowa [Mr. CUMMINS]. A hasty reading of it leads me to look upon it as the best proposition that has been submitted thus far, if this Congress proposes to take any action at all with reference to the independence of the Philippine Islands. That amendment does provide for a certain and definite course.

If Congress is satisfied that the Philippines are ready for independence and that they want independence, then, I would say, let us give it to them and establish them as a separate government and withdraw entirely from the islands. My position is that we ought to stay there as long as it is necessary for us to stay there, in our interest and theirs, and in the discharge of the duty which I think rests upon us, and then, when we get out, get out entirely, leaving them to take their place among the nations of the earth to work out their own destiny as best they can. I do not think that time has come. They are not ready or fitted for independence. Our duty is not fully discharged.

Mr. SUTHERLAND. Mr. President, as I understand, the pending question is upon the amendment offered by the Senator from Arkansas [Mr. CLARKE]. Am I correct about that?

Mr. CLARKE of Arkansas. Mr. President, let us clear up that matter. I understand that several substitutes or amendments to the amendment which I proposed have been offered; among others, one by the Senator from Iowa. Of course I have no preference as to the order in which the several propositions shall be considered. I do not know which one is before the Senate.

The VICE PRESIDENT. The Chair is informed by the Secretary that they have been printed and are on the table, but have not been formally offered.

Mr. CLARKE of Arkansas. I take it for granted that the last amendment I offered is formally before the Senate.

The VICE PRESIDENT. The substituted amendment of the Senator from Arkansas is formally before the Senate, the Senator from Nebraska [Mr. NORRIS] having withdrawn the amendment submitted by him.

Mr. CLARKE of Arkansas. Let me inquire if it is a fact that the Senator from Iowa [Mr. CUMMINS] has offered a substitute?

The VICE PRESIDENT. He has not offered it. The Senator from Iowa has had it printed, but has not offered it.

Mr. SUTHERLAND. Then I am correct in saying that the pending question is on the amendment of the Senator from Arkansas?

Mr. CLARKE of Arkansas. The Chair so informs me.

The VICE PRESIDENT. The pending question is the substituted amendment of the Senator from Arkansas.

Mr. SUTHERLAND. Mr. President, I desire to say a word or two with reference to the amendment, and incidentally with reference to some other matters that are under discussion in connection with the Philippine bill.

I am one of those who have always believed that from the point of view of the United States it is unfortunate that we have the responsibility for the Philippine Islands upon our hands. But a nation, like an individual, sometimes has a responsibility which is unfortunate, which constitutes a great burden, but of which the nation, like the individual, can not decently rid itself.

Mr. President, we engaged in war with Spain upon the theory that she was unfit to govern in Cuba. As a necessary part of the prosecution of that war our fleet under Commodore, now

Admiral, Dewey went to Manila, and there sank and destroyed the Spanish fleet. The destruction of the Spanish fleet, and the subsequent taking over of the city of Manila, practically put an end to the Spanish government there. It put an end to the only responsible government in the Philippine Islands. There were Americans there—few in number at that time, it is true. There were citizens of the various countries of Europe who had settled in the Philippine Islands and engaged in business; and in addition to our responsibility with reference to the natives of the islands we had certain very clear duties to perform with reference to these foreign citizens.

That being so, it became obligatory upon us to set up a government in the Philippine Islands, which we did. I have said that I think it was unfortunate that we were obliged to do that; but if we will look at the situation for a moment we must all admit that it was an absolute necessity.

What were the courses open to the United States at that time? First, we could have turned the islands back to Spain when we concluded the treaty of peace with that Government. Second, we could have turned the islands over to some other country than Spain. Third, we could have permitted the people of the islands to set up an independent government of their own, and ourselves have withdrawn. And, fourth, we could retain possession and set up a responsible government of our own.

It is perfectly apparent that the first course was entirely unthinkable. We had engaged in a war with Spain upon the theory that she was unfit to govern in Cuba. Surely, if she was unfit to govern in Cuba she was unfit to govern in the Philippines. So that that alternative was at once dismissed as entirely out of the question.

Second, we could have turned the islands, as I have said, over to some other country. I have no doubt that at that time England would have been glad to take them; Japan would have been glad to take them; almost any other country would have been glad to take them over. But for us to have taken that course would have been to invite friction and trouble and quarrels among those countries.

Third, we could have turned the islands over to the people themselves, but everybody who was familiar with the situation agreed that the people of the Philippine Islands were utterly incapable of carrying on a government of their own. So we accepted the fourth alternative, not as being a thing that it was pleasing for us to do but as being, under the circumstances, the only thing that we could do.

We have been in possession of the Philippine Islands for 17 years. On the whole, I think that no nation, no people in the history of the world has ever performed for a dependent people a greater service, a more altruistic service, than the people of the United States have performed for the people of the Philippine Islands. I think, on the whole, we have been there for their good. They are in far better condition to-day than they ever have been before, and in far better condition, I confidently believe, than they possibly could have been under any other disposition of the islands.

I am not going to recount the story. We have built school-houses, we have been educating the children, we have built good roads, we have extended to the people of the Philippine Islands just as rapidly as it was possible and safe to do so the principles and the opportunities of self-government; and the question now arises, What is the wise thing to do for the future?

And, Mr. President, it is not only a question as to what is the wise thing to do, but it is a question as to what is the righteous thing to do under all the circumstances. A nation, like an individual, may be obliged to carry a burden for the sake of righteousness. Responsibilities comes to nations as they come to individuals. Every individual who is strong and self-reliant is obliged to take upon himself burdens which he would be glad to get rid of if he could do so consistently with the performance of duty; and so we must consider that phase of the subject in dealing with the Philippine Islands.

If we turn them over to the people themselves, we can not escape moral responsibility for our act any more than the Levite could escape by passing by on the other side. We are there, and if we withdraw from those people the strength of this Government, the upholding hand of this Government, and disaster follows, we are morally responsible for it.

I do not know when the Philippine Islands will be ready for self-government; but I feel quite sure that they never will be ready for independence until they are ready for self-government. Independence without the ability to carry on an orderly government would be a mockery.

What has been the situation? What is the situation to-day? There are three races of people settled in these islands, speak-

ing different languages and dialects. I do not know how many there are. I do not know that anybody knows how many different languages are spoken in the islands. The people range from a degree of barbarism and savagery up to a very high degree of civilization. Among the Tagalogs, of course, there are men of intelligence, who are capable of carrying on the affairs of a government; but they have to deal with all these other people, millions of people who are utterly incapable of discharging the duties of citizenship.

If, under these circumstances, we withdraw from the islands and allow the people to set up an independent government of their own, it seems to me perfectly obvious that it will be only a matter of a year or two, perhaps a month or two, until they will be at each other's throats. They are not only of different races and of different languages but they are of different religions. There are the people in the south part of the archipelago who are Mohammedans, and the people in the northern part who call themselves Christians. For centuries those people have been in strife with one another. The people of the south have been fitting out expeditions and going up into the north and making war. To me it is perfectly evident that the moment the authority and power of the United States is withdrawn that condition will reassert itself; and the final result will be, without multiplying words about it, that a condition of anarchy will prevail throughout the islands. The situation will be that the Philippine government will constitute an international nuisance that some strong nation or some strong nations will feel obliged to suppress; and the final result will be that some strong nation will take possession of the islands, and the last lot of the Filipinos will be far worse than their first.

This preamble that has been incorporated in the proposed law recites that—

Whereas it is desirable to place in the hands of the people of the Philippines such an increasing control of their domestic affairs as can be given them without in the meantime impairing the sovereignty of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence—

Then follows—

which it is the purpose of the United States to grant.

What is meant by "the United States"? Does it mean the people of the United States? If so, the statement is not true. The people of the United States never have signified their purpose or desire to grant independence to the Philippine Islands. On the contrary, whenever they have spoken—and they have spoken upon three or four separate and distinct occasions—they have declared exactly the contrary. Our friends on the other side of the Chamber declared in favor of Philippine independence in 1900, and we joined issue with them and went before the people of the country upon that issue. Mr. Bryan called it the paramount issue of the campaign, and it was so regarded by a great many people who participated in the campaign. At any rate, whether it was the paramount issue or not, it was one of the leading issues of the campaign; and the people of the United States intelligently passed upon it, and if their votes meant anything they meant that they repudiated the Democratic suggestion that we should withdraw from the Philippine Islands.

The same followed in 1904 and 1908. In 1912 a majority of the people did not speak in support of the Democratic platform, or any part of it. A minority of them—a trifle over 40 per cent—voted to put the Democratic Party into power, and therefore may be said to have approved the Democratic platform. Whenever the people of the country have spoken through a majority in favor of one party or the other they always have repudiated this idea of withdrawing from the Philippine Islands. So it is inaccurate to say that it is the purpose of the United States to do this thing, if we mean, by "the United States," the people of the United States.

But the preamble proceeds—

which it is the purpose of the United States to grant when, in the judgment of the United States, it will be to the permanent interest of the people of the Philippine Islands.

What do we mean by that? In the first place, who is to judge of that condition? I suppose that in that connection the words "the United States" mean the Congress of the United States, because that is the only agency of the United States which has the power to speak. It seems to me that such a declaration as that is absolutely certain to invite trouble. I can not conceive of a more mischievous declaration, because, as we all know, in a very short time the people of the islands who desire independence will be declaring that it is for the permanent interest of the people to have independence, and, if Congress is not prepared to agree with them, that means disappoint-

ment, ill feeling, and, very likely, insurrection. It means trouble, in any event, and serious trouble.

The declaration is objectionable from another point of view. It is a maxim of law and it is a rule of common sense that the expression of one thing is the exclusion of all other things. We assert here that it is our purpose to grant independence when it will be to the permanent interest of the people of the Philippine Islands. That is equivalent to saying that it is not our purpose to grant independence under any other circumstances or conditions. No matter what may transpire hereafter, no matter how extreme the necessity of getting rid of the islands from the point of view of the United States alone may be, if we are to keep our pledge, we have tied our hands against parting with the Philippines except upon the single condition which is expressed.

So, Mr. President, if the opportunity presents itself, I shall vote to strike out from the bill the preamble as being mischievous and dangerous.

Mr. LIPPITT. Will the Senator from Utah permit me?

Mr. SUTHERLAND. Certainly.

Mr. LIPPITT. I am very glad indeed to have the Senator from Utah call attention to that feature of the preamble which seems to deprive the United States from having the power to grant independence to those islands on any other ground except the fact that it may be for the permanent interest of the Philippine Islands. I am not a lawyer myself, and I am very glad indeed to have the Senator from Utah, who is a very eminent lawyer, give his approval to that interpretation of it, because it does seem a very vital thing, in connection with this whole subject, that the United States is depriving itself of acting for its own advantage if it should be necessary at any subsequent time. I only want to express my approval of that view.

Mr. SUTHERLAND. Of course, pledges of that kind can be disregarded hereafter; but I have no doubt in my own mind that that is the proper interpretation of it. So if we can conceive of a case arising hereafter where the people of the Philippine Islands will conclude that it is not to their advantage to separate from the United States, we are bound to remain there if we keep this pledge, no matter how onerous or burdensome it may become for us to do so.

Mr. LIPPITT. I should like to suggest to the Senator that it is not at all impossible that, as the years go by and the interests of the two countries become more closely united, instead of there being a party in the Philippine Islands crying for independence, there will be one there urging us not to abandon them, and they would then have the right to come back upon this preamble and say in substance that we had promised that we would not do it until it was for the benefit of the Philippine Islands.

Mr. SUTHERLAND. If the people of the Philippine Islands consider the question intelligently and dispassionately, they are bound to come to the conclusion that it is far better for them to remain under the control of the United States Government than it is for them to undertake to carry on a government of their own. I do not know how long it will take to educate the people of the Philippine Islands to the point where independence can safely be intrusted to them. I do not go quite as far as the Senator from Idaho [Mr. BORAH] did the other day. I do not believe it is a matter of a century; I doubt whether it is a matter of 50 years; but I think it is a matter of at least another generation. Until the new generation has grown up, until they have been educated in the schools which we have established, until the English language has become the predominant language in the islands, I do not believe it is safe to intrust independence to those people.

Some things have been said here with reference to imposing upon those people the English language. To my mind, the greatest blessing that we could confer upon them is to educate them in the English language. It is the language of Anglo-Saxon liberty, the language in which the highest ideals of government have been written, and no people can study and understand that language without understanding to some extent the literature of the language and making a part of themselves those high ideals of government which my reading of history teaches me are the greatest and best that the world has ever seen.

Only 10 per cent of those people to-day are capable, or even measurably capable, of carrying on the operations of self-government. As was said here the other day in the discussion of the Senator from Idaho, if we could imagine a situation where 10 per cent of the people of those islands were educated Americans, even they would be incapable of carrying on a free government with 90 per cent of the people illiterate and many of them barbarians. If it would be impossible for a population of which

10 per cent were Americans to carry on the government, how much more clear is the impossibility of a population consisting of only 10 per cent of educated and capable literate Filipinos doing the same thing?

The thing that keeps the people of those islands together, the thing that makes orderly government possible, and the only thing that does it, is the strong arm of the United States, and I think it is a wicked thing to suggest at this time the idea of withdrawing our strength from those people and leaving them to their own helplessness.

Mr. President, the Senator from Arkansas [Mr. CLARKE] has offered an amendment which, with all due deference to him, I think is a little worse than this preamble. The Senator from Arkansas proposes to authorize and direct the President to withdraw our sovereignty from the islands in not less than two years nor more than four years. If he would stop there, simply making a hard and fast rule that we should get out of the islands and leave them alone, while I should not be in favor of it, I should regard it as preferable to the provisions of this preamble, but he goes further and inserts a proviso which reads:

That if the President, at the expiration of the said period of four years, shall find that the condition of the internal or external affairs of said Philippines in respect to the stability or efficiency of the proposed government thereof is such as to warrant him in so doing, he is hereby further authorized, by proclamation duly made and published, to extend the said time to and including the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of four years.

So we do not cut ourselves loose from the Philippine Islands. We authorize the President within two or four years, if he thinks it is the wise thing to do, to withdraw, but it is left entirely in his hands, so far as that part of it is concerned. If at the expiration of four years he concludes—and if he investigates the situation over there in the meantime as thoroughly as he ought to investigate it, in my judgment, he must conclude—that the condition of the internal and the external affairs of the Philippines in respect to the stability or efficiency of the proposed government is not such as to justify immediate independence—if he concludes that, as I say I think he must conclude, then we have simply made an offer of independence to those people with a string to it, which we have pulled back at the end of that time, and the result will be a mischievous situation, quite as bad, and perhaps worse, than that which is invited by the language of the preamble.

In the meantime the Republican Party will come into power again. We know what the view of that party has been. We know what is likely to be the view of the nominee of that party, who will be elected by the people. Suppose he concludes that the situation is such as to demand action under this proviso. Then we shall have invited revolution, insurrection, and bloodshed.

The wise thing to do is to leave them alone, to go on as we have been doing, to keep adding to the schools in the country, to proceed with our education of the people, to keep teaching them the lessons of good government, to extend further and further the principles and opportunities of Anglo-Saxon self-government, to say nothing about independence, but to wait until in God's good time, 30 years hence, 40 years hence, 50 years hence, whenever it may be, that everybody will recognize the fitness of the people for self-government and independence, and then, and not till then, withdraw and let them set up a government of their own, but in the meantime leave the subject of independence alone.

Mr. President, to my mind that is not the most mischievous part of this proposed amendment. It provides further that—

Immediately upon the passage of the act the President shall invite the cooperation of the principal nations interested in the affairs of that part of the world in which the Philippines are located, in the form of a treaty or other character of binding agreement, whereby the cooperating nations shall mutually pledge themselves to recognize and respect the sovereignty and independence of the said Philippines—

And further—

and also to mutually obligate themselves, equally and not one primarily nor to any greater extent than another, to maintain as against external force the sovereignty of said Philippines.

In other words, we are to invite the other nations of the world, or such of them as may join with us to maintain a protectorate over those islands, to maintain them as against external force from any other country or people. If that can not be done, then the amendment further provides that the United States is to undertake that burden alone.

Now, what does that mean? It means that we are to withdraw from the islands. It means that we are to have no Army there, of course. It means that we are to leave them to their own devices, to carry on their own affairs in their own way, and then if trouble results between them and Japan or between them and Germany or any other country, no matter what the cause of the trouble may be, we must take upon ourselves the

burden of defending a country thousands of miles away from our shores against any force that may be exerted by any other country.

In other words, it proposes to extend the Monroe doctrine into Asia. Some of us are looking ahead with more or less apprehension to being obliged some day to defend the Monroe doctrine upon this hemisphere. I believe in maintaining that doctrine upon this hemisphere at all hazards, but I do not believe it is wise to extend it into the Orient and to pledge ourselves to do with reference to the Philippine Islands what I think we would be bound to do with reference to one of the countries in Central or South America. Yet that is the situation in which this proposed amendment will leave us.

Mr. CUMMINS. Mr. President—

Mr. SUTHERLAND. I yield to the Senator.

Mr. CUMMINS. Does not the Senator think that we are invading the Monroe doctrine in the Orient now in the possession of the Philippines?

Mr. SUTHERLAND. No, Mr. President, I do not. We are there in our own right. It is the Government of the United States which is in the Philippine Islands. We are in the Philippine Islands, not by quite as strong a tie but by as clear a right and as great a power as we are in Hawaii.

Mr. CUMMINS. Precisely.

Mr. SUTHERLAND. As we are in Guam and as we are in Porto Rico.

Mr. GALLINGER. Or Alaska.

Mr. CUMMINS. Suppose Japan would take possession of Mexico and say, "We are there by virtue of our power." I assume the Senator from Utah would think that the Monroe doctrine had been somewhat infringed upon.

Mr. SUTHERLAND. Undoubtedly.

Mr. CUMMINS. Why can not Japan say the same thing to us about the Philippines?

Mr. SUTHERLAND. The difference is quite obvious. We would invoke the Monroe doctrine while Japan was undertaking to do that. We would not invoke it after Japan has established herself and set up a government there. We do not invoke the Monroe doctrine against the English Government in Canada, because they are there; but if the English Government should undertake to invade one of the independent Republics in Central or South America, then there would arise an occasion for invoking the Monroe doctrine. But, as I have said, we are in the Philippines by the same title and the same power that we are in Guam or Porto Rico. It is not a question of maintaining the Monroe doctrine; it is a question of maintaining our sovereignty in the Philippines.

Mr. CUMMINS. I agree that we are there with the same power.

Mr. SUTHERLAND. Precisely the same power.

Mr. CUMMINS. The power of conquest. The territory that the United States has, with the exception of Hawaii and Alaska, is the result of conquest.

Mr. SUTHERLAND. Undoubtedly. It was the result of war in many cases followed by a treaty which the other people to the treaty were more or less coerced into making.

Mr. WARREN. The Senator speaks of war and conquest. What about the Louisiana Purchase and others of that character?

Mr. CUMMINS. We have the Louisiana territory by the technical title of France. France had no more title to the Louisiana territory than she had to the golden streets of the New Jerusalem, and we had to conquer the territory in order to hold it.

Mr. WARREN. The assertion was made that all our possessions were acquired by us by conquest.

Mr. SUTHERLAND. The Senator from Wyoming is undoubtedly correct. I was speaking of other possessions of the United States. We have acquired territory by purchase. We acquired Alaska, of course, by very peaceful methods.

Mr. GALLINGER. And the Gadsden Purchase.

Mr. SUTHERLAND. And the Gadsden Purchase. That is quite true; but we are in the Philippines in our own right, and what we are maintaining is not the Monroe doctrine, but our own sovereignty. But if we withdraw from the Philippines and permit them to set up an independent government, then if we undertake to defend them against force from an outside power we are not doing it by virtue of our sovereignty, but we are doing it by virtue of having extended a protectorate over them, and by virtue of having extended something in the nature of the Monroe doctrine into Asia.

Mr. President, I think that is a very dangerous burden for us to take upon ourselves; I think it is a very unnecessary burden. Suppose that a condition should arise in the Philippine Islands such as I indicated a moment ago, that there should be domestic

disturbances resulting in revolution. Whatever others may think about it, in my judgment that will be the result. If Mexico can not carry on a government of its own, if revolution is the normal condition of affairs there, surely a people who are, if anything, less capable of self-government, must bring themselves to the same unhappy pass. There is bound to be revolution; there is bound to be bloody revolution in the Philippine Islands whenever we withdraw our power and our protecting arm from them; it is inevitable, as I view the situation. Suppose that condition arises and Japan, a near neighbor, says, "We can not tolerate that condition; we can not permit the Philippine Islands to make an international nuisance of themselves, to be disturbing the international peace, and we will put an end to it." No matter how strong the excuse might be for the intervention of Japan or of any other country, we shall have bound ourselves by this solemn agreement to engage in a bloody and costly war. It is the same condition that might exist if some European country had agreed to maintain Mexico against the intervention of any other country. In such an event, no matter how much violence multiplied in Mexico, we would be powerless to intervene, except at the cost of a war with the power that had guaranteed to protect them. Do we want to put ourselves in that position in the Philippine Islands?

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SUTHERLAND. Certainly.

Mr. SIMMONS. I understand the Senator from Utah is now addressing himself to the criticism of the proposition that this Government shall guarantee the independence of the Philippine Islands for five years after we have retired from the islands.

Mr. SUTHERLAND. That means nine years from the date of the passage of this bill, if it passes.

Mr. SIMMONS. No; I understand the amendment as now drafted provides for four years.

Mr. SUTHERLAND. Well, add five years to it, and that makes nine years.

Mr. SIMMONS. No; you add two years to it under the provision that the President may extend the time until the end of the following Congress, which might be six years.

Mr. SUTHERLAND. If the Senator will pardon me just a moment, the amendment provides that "guaranty" shall be given "on behalf of the United States alone for the period of five years from and after the expiration of said period of four years, or any extension thereof."

Mr. SIMMONS. Yes; it means a guaranty of five years after we have retired from the islands.

Mr. SUTHERLAND. Then I am correct in saying it is nine years.

Mr. SIMMONS. Yes; it is nine years, including the time before we retire and the time we guarantee the independence of the islands.

Mr. President, I understand the party to which the Senator from Utah belongs, while they do not believe in the immediate surrender of our control of the Philippines, have at all times held out to the Filipino people the hope and expectation that when, in the judgment of this Government, they were prepared for self-government this Government would withdraw from the islands. I take it that the Senator believes that policy should be pursued.

Mr. SUTHERLAND. That is my own judgment about it.

Mr. SIMMONS. That is the Senator's own judgment. Now, if the Senator's party should come into the control of the Government hereafter—and I hope that time may be long in the future—and should decide that the time had arrived to set the Filipino people free, would the Senator from Utah insist that this Government had no obligation to extend to them some protection for any period of time whatever?

Mr. SUTHERLAND. The Senator from Utah insists absolutely upon that.

Mr. SIMMONS. Let me ask the Senator, before he answers that—

Mr. SUTHERLAND. Let me finish my reply to the Senator. So long as we are there, we are under the gravest responsibility to protect those people against outside force; to give them a good government; to give them the very best government of which we are capable; but when they are ready for independence and we are ready to get out, then my position is that we have no further obligation; we shall recognize them as a sovereign nation, equal in the eyes of international law to the greatest nation in the world, and we shall not owe them the duty of protecting them after having recognized a status of that character.

Mr. SIMMONS. Then, let me suggest to the Senator from Utah, would it not lead to this situation: During this period of preparation for self-government the Philippine Islands would be under the control and dominion of the United States; the Filipinos would have no powers or functions of government that we did not see fit to accord to them; it would be our Government; it would be our control. When they are turned loose and our control ceases, would they not find themselves without an army, without a navy, without a regularly established government of their own; and during the period when they were organizing and getting ready for defense in case of invasion, would we not leave them, carrying out the policies of the Senator's own party, in a very pitiable and helpless condition? Does not the Senator from Utah think that ordinary generosity, ordinary fair treatment, and justice to those people, would appeal to us to stand sponsor for their independence; to stand between them and external invasion until at least they could prepare themselves measurably for defending their own rights and their own territory?

Mr. SUTHERLAND. Mr. President, my position is that the Philippine Islands—

Mr. SIMMONS. If the Senator please, if we should withdraw to-day from the Philippine Islands, would we not leave them absolutely helpless, absolutely unable to defend themselves, because they have had no control, they have had no opportunity to organize for defense, either by way of providing a navy or providing an army? They have neither, and they can not have either, until we have withdrawn and given them an opportunity to provide them.

Mr. SUTHERLAND. Mr. President, what I have been insisting on all the time is that we ought not to withdraw from the Philippine Islands until the Filipinos are capable; that we ought not to take that step.

Mr. SIMMONS. They might be capable of self-government, if the Senator will pardon me; you may hold them until they are capable, if they ever can qualify themselves, and then turn them loose, and with all their capacity they would still be helpless, because until the moment of our surrender of American control they would have had no opportunity to provide for their protection.

Mr. SUTHERLAND. Mr. President, the capacity for self-government is not the only thing that is required. I would not leave them until they were not only able to govern themselves from the standpoint of intelligence and ability, but not until by having set up under our guidance their self-governing institutions and prepared for their own defense they were able to care for themselves. I would not leave them until they were in that situation. But my point is that whenever the time comes that we are ready to withdraw upon the theory that they are to be recognized as an independent and sovereign nation, the time has come to get rid of all our responsibility, and we should be responsible after that time for the Philippine Islands in no greater or different sense than we are responsible for China or any other country with which we have never heretofore had the relations that we have had with the Philippine Islands.

Mr. WARREN. Mr. President, will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SUTHERLAND. Certainly.

Mr. WARREN. The Senator from Utah probably knows, and I think the Senator from North Carolina knows but has overlooked the fact, that we are preparing them now. We have in the Philippines an army of scouts who are being educated for war, and they amount now to many thousands, including those now in the service and those who have been discharged from time to time from the service after having received the military education and training afforded. There is also a competent and powerful constabulary force in the islands; and in addition we are fortifying the islands. We are fortifying them very thoroughly and heavily; we are putting in the same kind of defenses—in fact, I might say superior defenses to those we are installing in our own or mother country. I might also say that we have gone so far amongst the communities of the south which have been referred to, the Moros for instance, as to form companies, and almost regiments, of native scouts, which are to-day defending the southern part of the archipelago. The island of Mindanao has no white troops now, but is defended by native troops.

Mr. SUTHERLAND. I so understand the situation.

Mr. SIMMONS. If the Senator from Utah will pardon me, I should like to inquire of the Senator from Wyoming if the

constabulary and scouts are not merely a police force? We are not organizing the Filipinos into an army for the purpose of defense against external invasion.

Mr. WARREN. As to the constabulary, yes; as to the scouts, no. The scouts are an army. I wish to say, if the Senator from Utah will permit me—

Mr. SIMMONS. But, if the Senator will pardon me, before he turns his attention to the Senator from Utah, as he in part addressed his remarks to me, are we providing them with any navy?

Mr. WARREN. Not so far.

Mr. SIMMONS. Is not a navy the chief reliance the island people would require in case of invasion? Are they not situated very much like the British Isles are situated? Their defense is dependent entirely upon the size and strength of their navy, and they have recognized that fact in their traditional policy. Are not the people in the Philippine Islands in the same situation and would it do any good to turn the islands over to them, so far as their protection is concerned, even if they did have a small army, if they had no navy?

Mr. WARREN. A navy is largely an attacking force. We are already providing in the Philippines, as I have said, harbor defenses of a character that can be no more than equaled in any other country; certainly they are not surpassed. We have not built them a navy; in fact, we have not built our own beyond a defensive strength and hardly up to that. The Philippines must depend always, as we do, largely upon fortifications.

If the Senator from Utah will allow me, I should like to say a few words now, because I have to leave the Chamber soon in connection with duties as a member of a subcommittee engaged in important work. I intended to cover some of the ground which the Senator from Utah is so well covering. I suggest we had better think and plan a little further whether we have the Army and the Navy to make good our guaranty, if made as proposed in the Clarke amendment. Now, according to that, we propose to withdraw the Army and Navy from the Philippine Islands and then to be held in suspense for a certain number of years to respond when called upon to make our guaranty good. We are now there with a very considerable Army and some portion of the Navy. We are bound to have an Army and a Navy. The difference in expense is in supporting it there and here. It is a matter of nominal additional expense to support the force that we now have there during the time that the islands are in our charge, but when we leave the Philippines, leave them alone and independent, and then are called upon to make good the guaranty, what kind of a figure will we cut with Japan or some distant foreign country that may propose to annex the Philippines or to overrun them?

That is a matter to be thought of. Our Army now is confessedly too small, but no matter how large we may make it, no matter how far we may go along the path of preparedness, we do not expect to have an army of occupation in a country seven thousand or more miles away, as it would be essential to have if we undertook to requite the wrongs of that nation if attacked by another country.

Mr. SUTHERLAND. The Senator is quite right in his observations, and I entirely agree with him.

Mr. POINDEXTER. Mr. President—

Mr. SUTHERLAND. I yield to the Senator from Washington.

Mr. POINDEXTER. I want to remark, in reply to what the Senator from North Carolina [Mr. SIMMONS] has said, that, as I understand the proposition of the Senator from North Carolina, we would be under some moral obligation to the Filipino people to protect them internationally until they had organized and established an army and a navy sufficient for their own protection, or at least to give them a reasonable time to do so; and he suggested that would be five years, or that the five-year period mentioned in this bill would enable them to do that. I think, if the Senator from North Carolina will reflect for a moment upon the actual conditions, that he will not entertain any such idea. It is perfectly obvious, it seems to me, that the Filipino people never will be able in any length of time to establish an army or a navy that could make any respectable showing whatever in any international conflict that they might have with any of the great military powers which we have in view as parties to the agreement that is proposed here. Against Japan or Germany or Great Britain the Filipino people would never be able to protect themselves.

Mr. SIMMONS. Mr. President, I do not think the Senator—

Mr. SUTHERLAND. I hope the Senator from North Carolina will be brief, because I wish to conclude.

Mr. SIMMONS. I will be brief. I do not think the Senator from Washington could have possibly understood me to mean in

anything I have said that I thought the Filipino people would be able in many, many years after they are set free to provide an army and a navy sufficient to protect them against such a power as Great Britain or Germany or Japan. The thought I had in mind, and what I intended to suggest, was that the Filipino people before we went into the islands had been for a long period of time under the control of Spain. Since we have been there they have been under our control, and they will remain under our control until we leave there. When we do leave there they will have no government of their own; they will have to organize and establish one; they will have no army; they will have no navy; and it does seem to me that it would be rather a hard measure for us to take those people, who have never had an opportunity to establish a government or provide for defense, and after having held them suddenly to turn them loose so as to be the prey of the nations without any capacity or opportunity to prepare for their own defense. That was the only thought that I desired to emphasize.

Mr. SUTHERLAND. Mr. President, the Senator from North Carolina has demonstrated conclusively what a wicked thing it is to adopt this provision and to undertake to put the people of the Philippine Islands upon their own responsibility. He pictures them as a helpless people, incapable of defending themselves against other nations, which is all quite true. The people of the Philippine Islands ought not to be permitted to set up an independent government of their own and take their place in the family of nations until they have reached the point where we do not need to extend a protectorate over them. The very fact that you admit that we have got to defend them, look after them, and keep them in leading strings after they have obtained independence demonstrates that those people are not fit for independence now and will not be fit for independence in four years.

Mr. President, suppose the people of the Philippine Islands get into a quarrel with Japan, are we to go over there and engage side by side with them in a war on that country, no matter what the circumstances may be, whether Japan be right or wrong? Suppose that the conditions of the Philippine Islands, with respect to the treatment of the citizens of Japan, in six or seven years from now shall be as deplorable as the conditions in Mexico are with reference to our citizens, and Japan, as a great civilized power, believes that her national honor demands that she shall intervene for the protection of her own people and for the sake of civilization, the Senator from North Carolina would still have us intervene, go 7,000 miles across the sea with our Army and our Navy, and sacrifice the lives of our citizens in a cause, however bad it might turn out to be. I am not in favor of such a course.

Mr. President, just a word or two more and I am through. A good deal has been said from time to time about the Philippines being a source of weakness to us. I think in a sense that is true; but I think the danger to be apprehended has been greatly exaggerated. I do not think, for example, there is 1 chance in 100, so long as we maintain our place in the Philippine Islands, of Japan undertaking to take the Philippines from us.

In the first place, the Japanese expansion does not lie in that direction. I am informed, and I think credibly informed, that they have no idea of colonizing their people in that direction at all. In addition to that, I suspect that any attempt upon the part of Japan to invade the Philippine Islands would be very vigorously objected to by Great Britain, because to-day the feeling in Australia against Japanese settlement is quite as intense as it is upon the Pacific coast. The Australian people do not want Japanese immigration any more than the people of the Pacific coast desire it. With that feeling upon the part of that great English colony, I should imagine that it would be the desire of Great Britain to keep the Philippine Islands in the condition they now are, where, to some degree, they constitute a buffer between Japan and the English possessions.

So I do not think we are running any great risk in the future, any more than we have run in the past, by retaining the Philippines. That they never will become a source of great profit to us, I am quite willing to agree. That they will always be a burden upon us, I think is a good deal more than likely. Nevertheless, I believe it to be the duty of this great country, having once set its hand to the plow, to hold it there until the furrow has been plowed to the end.

Mr. SHAFROTH. Mr. President—

Mr. SUTHERLAND. I yield to the Senator from Colorado.

Mr. SHAFROTH. I quite agree with the Senator with relation to the feeling of Japan in regard to the Philippine Islands at the present time; but I believe that that feeling toward the United States has become friendly by reason of the fact that

it has been repeatedly affirmed that our intention was not to hold the Philippine Islands permanently. Japan has a policy toward the Orient just exactly as we have toward the Western Hemisphere. Any aggression upon the part of any Government in the Orient is repugnant to her, as much so as the acquisition of any territory on this hemisphere is to the United States.

I have not any doubt that 15 or 16 years ago, when we first acquired the Philippine Islands, Japan thought it was an act of aggression on our part; but since that time, having been assured by the repeated declarations of Governors General of the islands that it was not our intention to hold them permanently, I believe their conduct has been in the direction of friendship toward us.

Mr. SUTHERLAND. Mr. President, I quite understand that feeling on the part of Japan, and am able to sympathize with it. I can quite understand the feeling of resentment that a great power like Japan would have if they should regard our operations in the Philippines as an intrusion into the affairs of the Orient, just as we would regard a similar act on the part of Japan over here as an intrusion upon our domain.

Mr. SHAFROTH. But, Mr. President, I will say to the Senator, that if it were manifest to Japan that we intended to hold the Philippine Islands forever, or for any great period of time, that would indicate that we never intended to give them up, I believe that that hostile feeling would again arise in the minds of the Japanese people.

Mr. SUTHERLAND. Mr. President, I am not in favor of holding the Philippine Islands forever, and I do not think the great majority of the American people are in favor of doing it, but I am in favor of leaving that subject alone, because the discussion of it and a declaration upon the subject is a mischief-making thing. The difference between the attitude of the Senator from Colorado and my attitude about it is that we are both in favor, when the proper time comes, of letting the Philippine Islands go, but the Senator wants to make a declaration about it. When he declares to the people of the Philippine Islands that they will be permitted to set up an independent government when they are ready for it he immediately invites them to say they are ready for it now or ready for it in a year, and that brings on a contest. Let the whole subject alone until the condition has arrived, and act, but make no promises in advance.

Mr. SHAFROTH. The difficulty with the situation, with respect to the Filipinos, is their desire to become independent immediately. If we make an indefinite declaration, or no promise at all, it will make a feeling of unrest right now, because they fear that there is an intention upon the part of the United States to hold them forever, or for an indefinite term; hence we would get more discord, more conflict, more antagonistic feeling, and perhaps insurrection, if we should deny to them a promise of their independence.

Mr. SUTHERLAND. Yes; and the Senator's party is responsible for that condition. If the Senator's party had been self-contained and had not been making these declarations in years past, the people of the Philippine Islands would not have felt as they do feel about it.

Mr. SHAFROTH. Oh, Mr. President, what has been responsible for this feeling is an instrument that was written 139 years ago, which declared that in order to attain the ends of the inalienable rights of man governments are instituted among men, deriving their just powers from the consent of the governed. Every time a Filipino reads that declaration there comes the feeling upon his part that he should have a right to govern himself according to our own standard.

Mr. SUTHERLAND. Oh, Mr. President, I have read that declaration many times and I have heard it thundered in many forums, but, after all, the question of self-government is a good deal more a matter of ability than it is of right. In a certain sense every human being has the right of self-government, but for the sake of those with whom he is obliged to associate it ought not to be accorded to him until he is capable of exercising the powers of self-government.

Why, Mr. President, the Declaration of Independence extended over the Indians in this country; and yet we kept them, hundreds of thousands of them, in subjection for a good many generations, because we thought that while in some remote sense they had a right to self-government, they were not capable of governing themselves. The two things must coexist—the right of self-government and the ability as well.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SUTHERLAND. Just for a question. I want to finish, if the Senator will permit me.

Mr. VARDAMAN. I will not interrupt the Senator, then.

Mr. SUTHERLAND. No; if the Senator wishes to ask a question I shall be glad to yield.

Mr. VARDAMAN. I was just going to suggest to the Senator, in answer to what was said by the Senator from Colorado [Mr. SHAFROTH], that I do not believe the Declaration of Independence had reference to the Indians. I do not think it had reference to any race in America except the Caucasians. The man who wrote that declaration was a slaveholder.

With reference to the Filipinos, however, the Senator will recall the fact that three-quarters of a century ago, or quite half a century before the Spanish fleet was sunk in Manila Bay, before the Americans had anything to do with the islands, there were revolutions in the Philippine Islands, and some of the utterances by their leader indicated a very profound sense of right and accurate idea as to government.

Mr. SUTHERLAND. Will the Senator let me interrupt him right there to ask him a question?

Mr. VARDAMAN. Yes, sir; I will.

Mr. SUTHERLAND. The Senator, I think, had very high regard for the ability of Booker Washington and some others of his race who had reached a high degree of intelligence. Does the Senator think that makes the negro race capable of self-government?

Mr. VARDAMAN. As a matter of fact, you know, it was not the negro race in Booker Washington that gave him the capacity to understand any sort of a government. As John J. Ingalls, of Kansas, said of Fred Douglass, it was the Anglo-Saxon reinforcement that gave him his mentality.

Mr. SUTHERLAND. The Senator does not answer my question. Does he think the negro race are capable of self-government?

Mr. VARDAMAN. From the standpoint of a white man, absolutely I do not. The negro has never anywhere shown sustained power for self-development or self-government. His present civilization in America is due to white domination, and the continuation of his civilization in America will depend upon the white man's control.

Mr. SUTHERLAND. No; notwithstanding the fact that there are among them many men who are very intelligent.

Mr. VARDAMAN. That is true; but I would be very much opposed to the United States going into Haiti, or any other country that belonged to the negro race, and taking their government away from them.

Mr. SUTHERLAND. That is not the question.

Mr. VARDAMAN. If they could participate in the government of the United States without absolutely destroying the civilization of the white man, I should not be so much against it here. But we have tried it, and we find that the negro can live and prosper under the white man's government, whereas under the negro government, or even with the negro sharing it with the white man, the white man can not live.

Mr. SUTHERLAND. But the Senator thinks, because José Rizal was a great patriot and a very intelligent man, who knew something about the affairs of government, and because a small percentage of the other people of the islands were of that character, that the Moros and the savages and the head-hunters are capable of self-government? Or does he want to set up an autocracy over there? Does he want to have a few of the Tagalogs governing the remainder of the people who are themselves incapable of self-government?

Mr. VARDAMAN. I will answer the Senator. I do not think they are capable of self-government as we understand it and practice it in America. Very few races in all the world's history have shown the power or capacity to govern themselves as the Americans and English do; but I do think they are capable of maintaining a government good enough for them. While I admit that the government of the Filipino by the American would not materially injure the Filipino, it would necessarily injure the American. It would injure any free government or republic that exercised that arbitrary, usurped power which we exercise in the Philippine Islands. I am in favor of "safety first." I want to get out more for the good of this Republic than I do for the good of the Filipinos. We are not going to share with the Filipino our Constitution, and we should not; but to withhold the Constitution from the Filipino while we hold him as a subject will surely do violence to our Constitution. I repeat, I am very much more interested in taking care of our own country, Government, and people than playing the rôle of guardian for the outside world.

Mr. SUTHERLAND. Mr. President, no country and no people ever will be injured by discharging a duty in the spirit in which

the American people have discharged their duty to the Filipinos.

I have finished what I desire to say, Mr. President, except that I want to speak just a word with reference to the amendment proposed by the Senator from Iowa [Mr. CUMMINS]. That is a straightforward, understandable proposition. I do not agree with it, because, as I have already said, I am in favor of retaining our place in the Philippines for a good many years yet to come without making any declaration at all upon the subject. But if we are going to get rid of them at all, we ought to get rid of them in the way proposed by the amendment of the Senator from Iowa, which is simply a straightforward declaration that we shall recognize them as an independent nation after we have submitted the question to a vote of their people and they have determined that they want to occupy that status; when that has been done, that we shall withdraw not only our Army and our Navy but all responsibility for their future, and let them take care of themselves. If we are to withdraw, that is the way to do it. But so long as we bear the responsibility of their defense we should maintain our effective control.

Mr. STERLING. Mr. President, I have already spoken at considerable length on the original bill. As an excuse for asking the indulgence of the Senate now I simply wish to say that I feel deeply the importance and the seriousness of the questions involved in these proposed amendments. I hope I do not take the subject too seriously, nor myself too seriously, in this matter. I think of the latter I have never yet been accused. I recall that the Senator from Missouri [Mr. STONE] last evening said that it was a most serious and important question, and that it should have the very careful attention of every Senator here.

I confess, Mr. President, that after the discussion so far, and after hearing certain statements made by Senators on this side of the Chamber, I feel almost like one who is engaged with those who are leading a forlorn hope in opposition to the amendment proposed by the Senator from Arkansas [Mr. CLARKE]. I am convinced, however, that either in the original bill or in this proposed amendment, if enacted into law, we are making a great national mistake.

We sit here, it seems to me, taking counsel day after day, not of our courage, not of our confidence in the rectitude of our intentions toward the Philippines, not, it seems to me sometimes, with the high sense of duty that we ought to feel, but, rather, taking counsel of our fears and of our misgivings and of a somewhat worn-out pledge in a party platform, which had its inception, to begin with, in the necessity for a campaign issue 16 years ago.

And thus influenced we are forgetting many and most important considerations. We are forgetting the success of this Nation in the past in its acquisition and government of insular territory, its unqualified success down to the present time. We are forgetting that.

Furthermore, Mr. President, we are forgetting another thing. We are forgetting, as I believe, the tremendous material, commercial, and trade advantages that are to result by our retention of the Philippines until at least the Filipinos are capable of self-government. We are forgetting that.

Third, Mr. President, we are forgetting what is more important, to my mind, than every other consideration, and that is our responsibility, our moral obligation, toward the 8,000,000 inhabitants of the Philippine Islands.

As I hear this discussion go on and see so many Members of this body ready to cut loose from the Philippines and send them adrift it would seem that we have forgotten altogether that old principle of chivalry, noblesse oblige, nobility compels. We are now, in our anxiety to get rid of the Philippine Islands, forgetting that great principle, and to my mind, Mr. President, it is a principle that should appeal to our sense of duty as a great Nation toward a weak, and I may say on the whole and in the mass an illiterate people, that through the fortunes of war came into our possession and under our control 17 years ago, and in this view it ought to appeal to our Americanism—our patriotism.

Mr. President, I wish briefly to refer to some of the advantages arising out of our possession and retention of the Philippines. It has been urged on this floor that we should get rid of the Philippines, not simply out of consideration for the Filipinos but that we should get rid of them for the good of the American people. I think I can demonstrate otherwise, and that it will not be for the material benefit, at least of the American people, to be rid of these islands.

In the first place, Mr. President, the expense of the Philippine Islands to us has been greatly exaggerated. The chairman of the committee having the bill in charge and other Senators

speaking for the bill have been unable to give definite statistics as to the annual expense of the Philippines to the United States Government; it varies all the way from \$7,000,000 to \$25,000,000 a year. With the administration of the civil government of the Philippines, carried on by and through revenues derived from the Philippines themselves, my judgment is that the lower number—\$7,000,000—comes nearer the truth as to the actual expense of the Philippines to the United States.

Mr. President, there is another consideration with reference to that actual expense, whatever it is. Most of that, of course, is for the maintenance of an army of about 12,000 men in the Philippine Islands, but who can say what portion of that army of 12,000 men, if they were not in the Philippines, would not be in the service of the United States Government somewhere else than in the islands? So it is not fair and you can not consistently and truly charge the expense of the army in the Philippines to the holding and retention of the Philippine Islands.

Again, it has been said here on the floor of this Chamber that there is the expense of the Navy; but who can say and who has said that a single ship has been built for service in Philippine waters or because of our retention of the Philippines? I know, so far as the Army is concerned, there has been no time within the last three years when it would not have been said that we should have here on the continent, in addition to what we have, the number of soldiers now in the Philippine Islands. Had they been here they would have been in the service of the Government and would have formed, without being in the Philippine Islands, a part of the Regular Army of the United States with their thousand or more dollars a year of expense per man to the Government. So it is evident this matter of expense of the Philippine Islands, confined principally to military affairs and to our military establishment there, as it is, has been greatly exaggerated.

Let me speak for a moment of the commercial advantages. Admitting that there might be yet an expense for the maintenance of a military establishment in the Philippines, the participation in the commerce of the Philippine Islands on the part of American citizens, American manufacturers, American exporters will more than compensate the people of the United States for the expense caused by such military establishment. As showing the advantages of the Philippine Islands from a commercial standpoint, I wish to read the editorial heading to an article entitled "Getting into the Philippines," by Patrick Gallagher, editor of the Far Eastern Bureau, found in the Philippine Monthly for September, 1915:

"GETTING INTO THE PHILIPPINES."

[By Patrick Gallagher, editor of the Far Eastern Bureau.]

(Mr. Gallagher, well known to all Manila old-timers as the founder and first editor of the Philippine Free Press, was the guest of the New York Rotary Club at the Hofbrau House on the eve of "Occupation Day." His address, which was reported very fully in most of the newspapers throughout the United States, has evoked much favorable editorial comment. The Boston Transcript said on August 17: "Regarding the Philippines, which we now have possessed during 17 years, the popular mind has been like a child's mind, which peoples the silence and vivifies the night with goblins. 'Wish we were out of the Philippines,' is an expression confined to no one school of partisan political thought, and it is refreshing to find a happy rejoinder coming from the editor of the Far Eastern Bureau, that rejoinder being, 'But we are not yet in the islands.' Americans have found difficulty in projecting their understanding over the leagues of sea, and opinion is swayed by imaginings rather than by a realizing grasp of things as they are. Commercially we have 'barely scratched the foreshore' of the hithermost Philippine land. 'We ought to see,' remarks this critic, 'that our famous open-door policy in the East is useless to us if we fail to utilize that doorstep to the open door, the Philippines.' * * * 'Manila,' he points out, 'should serve as the base mart for serving millions of customers throughout the Orient.' Yet this doorstep of the open door grows mossy and we spend our time worrying lest some one else will want to put foot on it and use it. Militarily the position is about the same. We are neither in nor out of the Philippines, as, for example, we are positively and defensively in Panama."—Editor the Philippine Monthly.)

Yet, Mr. President, notwithstanding the surface has been barely scratched, as this writer says, our trade with the Philippine Islands grew from \$120,000 or a little over in 1898 to \$27,000,000 in 1914, and at that rate the years, I think, will be but few—10, 15, 20 years—until we can count upon our trade as being valued in the hundreds of millions of dollars.

Mr. McCUMBER. Mr. President—

Mr. STERLING. I yield to the Senator.

Mr. McCUMBER. Did the Senator give that as our export trade or the combined trade of the islands both in imports and exports?

Mr. STERLING. It is the export trade.

Mr. McCUMBER. And it has increased how much?

Mr. STERLING. From one hundred and twenty thousand and more dollars in 1898 to \$27,000,000 in 1914.

Mr. McCUMBER. And what amount have the imports from the islands increased?

Mr. STERLING. The imports have been just about the same as the exports.

Mr. McCUMBER. They have increased in the same ratio?

Mr. STERLING. Increasing in about the same ratio, as I remember. If the Senator will excuse me, I think there is a difference of only a million or two dollars, and there has been only about that amount of difference for the last several years between the imports and the exports.

Mr. McCUMBER. Let me ask the Senator if a great deal of the imports did not consist of sugar, tobacco, etc., and operated because of our taking the main duty off those products from the Philippines? In other words, we unprotected ourselves in order to obtain a very much greater supply from these foreign islands. Has not the greater portion of the increase in our exports been of beers, liquors, and other things connected with and for the use of Americans there?

Mr. STERLING. Mr. President, I will not say as to how much the duties or the want of duty on imports has affected the Philippine trade. It undoubtedly has affected it somewhat, but yet, Mr. President, I have no complaint to make with reference to that method of dealing with the Philippines and the Philippine trade.

Mr. McCUMBER. Let me ask the Senator another question, if the Senator will be kind enough to answer it.

Mr. STERLING. Very well.

Mr. McCUMBER. If we would put the products of Great Britain upon the free list, we could probably increase the trade from Great Britain to this country 300 or 400 per cent very quickly, could we not?

Mr. STERLING. Yes; but that is a different situation, a different condition of things. These are our own possessions, in whose advancement and development we are so much interested, and if we can encourage the development of their resources by giving them favors in the matter of import duties, I think it is the part of wisdom to do so.

Now, Mr. President, I wish to call attention to another thought, and that is Manila's importance to our far eastern trade. This is from an article by Mr. S. S. Knabenshue, former American consul general at Tientsin, China. I quote a short extract or two from that article. He says:

British commercial interests at once went to work to develop the new port of Hongkong. At that time the only settlement on the island was a village of Chinese, half pirates, half fishermen, with less than 2,000 inhabitants. In less than three-quarters of a century this has grown into the city of Victoria, with a population of 215,000—of which only some 10,000 are whites, the remainder consisting chiefly of Chinese. It was Great Britain's first commercial outpost in the Far East, and is now the most important port in that quarter of the world. It is a vast emporium of trade, handling the products of China and the Indies, which are sent by its merchants to Great Britain and Europe; and in return all kinds of western merchandise are distributed to the ports of the East. It concentrates about 30 per cent of the total foreign commerce of China, and is a most important financial and shipping center for the entire Far East.

Much else he says here is of interest and importance, but I forbear taking the time to read it.

So, Mr. President, I can not help but think that from the material, the commercial standpoint we shall find very soon that the Philippine Islands are no burden to the people of the United States. On the contrary, they will prove to be of immense benefit.

I now allude briefly to the question of capacity for self-government. I agree almost entirely with what the Senator from Idaho [Mr. BORAH] had to say in his very able speech the other day upon this particular proposition. In corroboration of what he said, and to emphasize, too, what I have heretofore said upon this subject, I call attention to the very able article entitled "Self-government in the Tropics; an analysis," by Samuel L. Parrish, which is a reprint from the Journal of the National Institute of Social Sciences. He has this to say, among other things:

In an examination of governmental conditions which from time immemorial have existed in the Tropics I can find no instance of an orderly self-government, with representative institutions, evolved from the people themselves. Nor, on the other hand, have the efforts made by England in recent times to introduce responsible self-government in her tropical dependencies given any encouragement that the issue of such experiments will prove successful. The mental, moral, and economic factors are all at variance with the conditions required for an orderly self-governing community. Of the millions of men who now occupy and of the untold millions who since recorded time have been the indigenous inhabitants of the Tropics, I think it may safely be said that no one commanding figure, judged by world standards, has ever emerged from the mass to challenge the admiration of the world as a benefactor of mankind.

Going on, he says:

The fourth and last proposition which I have undertaken to develop is: That controlling economic conditions, external and internal, no less than moral obligation will increasingly compel the United States, as potentially, if not actually, the most powerful of the civilized nations, to bear its full share in the system of dependent tropical government and supervision now recognized as an international factor of

unquestioned and growing importance. Of this question it may be said that since our Civil War none more vital has confronted the American people, and in the course of its solution may well be found practically most of the future danger points which must ever beset a progressive nation in the conduct of its political relations with the other nations of the world.

In considering broadly the development of interracial relations between the dominant and inferior races during the past century one can not but be impressed by the fact that the current has been distinctly in the direction of altruism, so far at least as Great Britain and the United States are concerned, and that, too, notwithstanding the recent outbreak of savage war among the dominant races who themselves inhabit the Temperate Zone.

Slavery has been abolished throughout Christendom, and oppression, injustice, and internecine strife have more and more been giving place to orderly government throughout the tropical dependencies ruled from the Temperate Zone.

Warren Hastings would be an anachronism in the India of to-day, while venal Spanish colonial governors in Cuba, Porto Rico, and the Philippines already seem to belong to a bygone age.

So, Mr. President, so far as there is any danger of the oppression of the Filipinos as long as they remain a part of the United States, I think it is the last thing to enter the mind of an intelligent American to-day and the last thing to merit discussion here. Further, this writer says:

Powerful as was the factor of self-protection in our late war with Spain, a sense of moral obligation alone made that war popular.

Mr. LANE. Mr. President—

Mr. STERLING. I yield to the Senator.

Mr. LANE. I notice the remark made by the Senator that so long as the Philippines remain in the possession of this Government they will not be liable to an attack upon their country. My opinion is just the opposite. I believe that so long as they are a part of this Nation, lying 7,000 miles from the nearest coast of this country, as they do, they are the most vulnerable and open to attack, and would be the first part of it which would be attacked by any nation at war with us in order to compel us to defend that part of our property which is the hardest for us to defend. I believe they would, by reason of their geographical position, call for an enormous increase in our Army and Navy, and that when the attack came upon us we would lose them. In addition to having to defend them from our enemies at sea, the Filipino, who resent our occupancy of their country, would attack us from the rear, and we would have to fight not only with them but with the other nation at which we were at war.

There is an element of great weakness, as I see it, in our possession of the Philippines. I do not see how the Senator, if he considers the matter carefully and from any viewpoint which a nation should take in attempting to defend itself, can view it otherwise than that the possession of the Philippine Islands is a burden upon this country.

Mr. STERLING. Mr. President, I take quite a different view than the Senator from Oregon on that proposition. I think our retention of the Philippine Islands will not make them the subject of attack necessarily, although that seems to be always assumed. Further, there will be the necessary fortifications on the Philippine Islands to repel attack. We already have in the island of Corregidor, in Manila Bay, a second Gibraltar. If we have a naval base and coal-supply stations, it will be necessary to have them fortified as well.

Further, Mr. President, there is this consideration, which goes beyond them all, that by our surrender of the Philippines we will not be able to stem the tide of trade and of commerce with those islands. We will not be able to prevent commercial rivalry and contest between nations by our surrender of the islands, or contests as to their respective fields or spheres of influence in the islands. A situation like that would be more likely to bring complications and breed trouble than will our retention of the islands, with the acknowledgment of our rights which would necessarily flow therefrom. To be considered, too, is the maintenance there of reasonably necessary fortifications for the islands, and these are largely there already.

Mr. LANE. Mr. President, every ton of munitions of war, every troop of soldiers, and every war vessel must be conveyed across the sea 7,000 miles before reaching its destination. It is therefore the most open to attack, with the fact in addition, as I stated before, that the natives themselves would revolt against us. The Philippines will be the first point of attack. Next comes the Sandwich Islands and then the Pacific coast. The retention of the Philippine Islands may in the future lead to the loss of the Pacific coast to this country.

Mr. STERLING. I should like to ask the Senator if he is in favor of the proposition to guarantee the independence of the Philippine Islands?

Mr. LANE. No; I am not so enthusiastic or enamored with that proposal as are some other Members of the Senate.

Mr. STERLING. That is the proposition involved in this bill.

Mr. LANE. That part of it I do not care much for, but I would gladly see this country get out of there, and go kindly

with well wishes for the Filipinos, wishing them success in their independence and apologizing to them for the time that we have occupied the islands.

Mr. STERLING. While the Senator says he is not enthusiastic over the amendment which provides for a guaranty for five years, I should like to ask him if he proposes to vote for that amendment?

Mr. LANE. If it is the best I can secure toward freeing them, making them independent, and getting out of their country and away from it, allowing them to carry on their own government as they see fit and as we do ours, I will vote for it. If I can get something better, something going further, then I will vote for that.

Mr. STERLING. Yet the Senator realizes, does he not, that the guaranty may involve the very possibility of which he speaks—that of having a fleet in the Philippine Islands to maintain the guaranty?

Mr. LANE. But it is for a limited period. It is a pledge to get out as soon as some of the gentlemen think we can do so; but I would get out as soon as I could, without any guaranty and with many good wishes nicely expressed to the people of that country. However, I am going to take the best I can get.

Mr. STERLING. I say to the Senator simply this, that I go back to the original proposition that with the surrender of the Philippines now the complications that will likely arise because of disputes in regard to trade and commerce, coupled, perhaps, with unsettled conditions in the islands thereafter, would be more likely to involve us in trouble with a foreign nation having interests or seeking interests there than would the continued ownership and retention of the Philippines.

I will read one or two other excerpts from this paper:

But in considering the moral we must not forget the economic side of the question.

That is a question that I first ventured briefly to discuss.

As we note the progress of society through its various stages of evolution, there is nothing more striking than the constantly increasing importance, during the past 50 years, of the economic phase of international relations.

But the source of this superabundant energy and resultant accomplishment has been in the temperate zone, and now, as never before, it seeks outlets in the farthest corners of the earth. With the vast increase in the wealth of the dominant races, an ever-increasing demand is being made upon every heretofore outlying tropical province of the world to furnish whatever it can best produce, and receive in return therefor such products of the temperate zone as may be suited to its requirements.

And if for any reason this production and consumption are retarded by internal disorder, or conditions that science or skill can remedy, then these northern cormorants for economic results insist upon furnishing the remedy. The recent disturbance in the sisal-hemp district of Yucatan which threatened the binding-twine industry of the United States, and therefore the American farmer, would seem to have stirred the present administration to greater activity—if we except the incident of the failure to salute the flag—than anything else that has happened in Mexico for the past two years.

To bring order out of chaos for the purpose of permitting the normal economic development of a tropical island at our very doors was at least one of the avowed objects of our late War with Spain.

In the train of that war followed, in natural sequence, our occupation of the Philippine Islands, for in the redistribution of territory and spheres of influence, since the beginning of the decay of Spain's colonial empire, both in the temperate and tropic zones, the United States has been continuously, since the foundation of our Government, Spain's actual and logical heir. Cuba, Porto Rico, and the Philippines are but corollaries of Florida and the original Spanish North American territory which came to us by forced cession after the Mexican War.

To what lengths the combination of economic necessity and moral obligation may yet compel the United States to go, no one may with safety predict, but I submit that we can not stand still. With the completion of the Isthmian Canal and the resultant increase in tropical trade, new problems arise.

So, Mr. President, although the Spanish-American War may have been the occasion of our ownership of the Philippines, we are Spain's "natural and logical heir." After Cuba and Porto Rico, the growing demands and needs of our eastern trade might easily without war lead us to the hope of dominating or acquiring the Philippines, and would have led us there eventually, to satisfy the demands of an ever-expanding trade.

Let me quote our former distinguished British Ambassador Bryce. At the beginning of his essay entitled "The Roman Empire and the British Empire in India," found in his "Studies in History and Jurisprudence," he institutes a comparison between these two great empires as conquering and ruling powers, acquiring and administering dominions outside the original dwelling place of their peoples, and impressing upon those dominions their own type of civilization; and he has this to say, which, I think, very pertinent to the broad issues here under discussion:

This comparison derives a special interest from a consideration of the position in which the world finds itself at the beginning of the twentieth century. The great civilized nations have spread themselves out so widely, and that with increasing rapidity during the last 50 years, as to have brought under their dominion or control nearly all the barbarous or semi-civilized races. Europe—that is to say, the five or six races which we call the European branch of mankind—has annexed the rest

of the earth, extinguishing some races, absorbing others, ruling others as subjects, and spreading over their native customs and beliefs a layer of European ideas which will sink deeper and deeper till the old native life dies out. Thus, while the face of the earth is being changed by the application of European science, so it seems likely that within a measurable time European forms of thought and ways of life will come to prevail everywhere, except possibly in China, whose vast population may enable her to resist these solvent influences for several generations, perhaps for several centuries. In this process, whose agencies are migration, conquest, and commerce, England has led the way and has achieved the most. Russia, however, as well as France and Germany, have annexed vast areas inhabited by backward races. Even the United States has, by occupying the Hawaiian and the Philippine Islands, entered, somewhat to her own surprise, on the same path. Thus a new sort of unity is being created among mankind. This unity is seen in the bringing of every part of the globe into close relations, both commercial and political, with every other part. It is seen in the establishment of a few "world languages" as vehicles of communication between many peoples, vehicles which carry to them the treasures of literature and science which the four or five leading nations have gathered. It is seen in the diffusion of a civilization which is everywhere the same in its material aspects and is tolerably uniform even on its intellectual side, since it teaches men to think on similar lines and to apply similar methods of scientific inquiry. The process has been going on for some centuries. In our own day it advances so swiftly that we can almost foresee the time when it will be complete. It is one of the great events in the history of the world.

Mr. President, it is a world movement, then, so to speak—a civilized world movement—and we of America are within the sweep of that movement. Should we back down and out of the Philippines now we can not in the future escape the impulse or influence of this movement. In these times government itself and the establishment of governments wait on economic needs and on the demands of commerce, and the energy of this movement will not be stayed by this or by any other legislation that we may enact; it is a process not determined by written law.

So, as stated before, in answer to the Senator from Oregon [Mr. LANE], obeying this law, and having behind us the impetus already received from our 17 years of occupancy, we will be in the Philippine Islands. If they are an independent nation, we shall be there for the purpose of exercising our influence and extending the sphere of our influence in competition with the other striving commercial nations of the world, and therein will lie greater danger of friction and of conflict than if we had retained the Philippines.

Mr. President, under all the evidence we have—the evidence of economists, of scientists, of the men who have studied races and their habits in connection with the climate in which they live—we know that the Filipinos will not be fit for independent sovereign government within 5 years or 10 years or 20 years, perhaps a century; we are well aware of that, and yet, forgetting our sacred obligations to protect, to lead, to educate them, we propose to make them a sovereign, independent nation within the short period of four years—so short a time in the life and growth of a nation. At the same time we propose to guarantee their independence for the period of five years, in conjunction with other nations, or, if they do not agree to unite with us, then alone. In those guaranties themselves we shall have the entangling alliances against which we have been warned from the beginning of our Government to the present time.

There are alliances and alliances—those that may entangle and those that can not entangle. In the extension of our commerce, in the acquisition of the Philippine Islands themselves, we have had, as it were, the virtual alliance, the countenance, and hearty support of that other greatest colonizing nation in history or on the face of the earth—Great Britain herself. We acquired the Philippines knowing we had at least her moral support, and we were glad to have that support. There would be no rupture with England because of their relinquishment, but her opinion of us, considering all our relations and common ideals, is a matter not irrelevant to this issue. I do not believe that she would willingly enter into an agreement with us, so important and vital are her interests, to guarantee with us the independence of the Philippines for five years or for any other period. I do not believe she would enter into any such agreement. Our action would be a disappointment to her.

Why, Mr. President, think of what is involved in securing the consent of any other nation to such an agreement, giving the Filipinos independence, and for five years guaranteeing their sovereignty and independence; of what is involved in securing the consent of the statesmen and leaders of other nations who would be asked to join in this guaranty, cognizant as they will be of the facts of history. The idea as it appears to me is altogether fanciful.

Will they guarantee the independence of 8,000,000 people of different races and different dialects, with the great mass of them untutored and knowing nothing of the first principles of government? Will they guarantee the independence of those islands against the disaster and the more than possible overthrow of government that would follow the dissension and the revolution of which there would be danger should we grant them

independence? No, Mr. President; it seems that we are making, as I said in the outstart—and I can not help but feel it most deeply and seriously—a grave national mistake. We are taking a step against which the achievements of the past and our success in the government of dependencies protest; we are taking a step in disregard of the material advantage we may derive from the retention of the islands and in which advantage the Filipinos themselves will share; it is a step against which the Filipino people themselves, as well as the whole American people, will in time protest; and, again, Mr. President, we are taking a step in which we ignore the sacred moral obligation to "bear the white man's burden" until the Filipinos are fit for independence and self-government. No Senator on this floor will hazard the statement that within the time provided by this bill or by these proposed guaranties the Filipino people will be fit for independent self-government.

Just a word in conclusion. I would retain the Philippines for an indefinite time without making the time of their independence the football of party politics during the years, without holding out, as we do when we follow that course, false hopes, which have the effect simply of encouraging what I may grant are the aspirations of a few brilliant politicians and agitators in the Philippine Islands, who do not reflect the feelings or the sentiments of the great body of the people. That agitation, both here and there, has been the Pandora's box from which has come many of the difficulties with which we have had to contend in the islands and some of the evils of our own party political life at home. So I would retain the Philippines without mention of the time when we would grant independence. Meanwhile I would govern them as a free, enlightened Nation can govern; I would see that they have the equal protection of the laws; I would extend as rapidly as possible to them the benefits of education, and with that education I would carry, too, experience and training in the principles of government; I would extend to them gradually that measure of self-government of which they shall be capable; I would await the time patiently until they are capable at least of autonomous government under our authority; and then I would leave it to them to say whether they would be independent or whether they would be—what they are likely to want to be—a part of imperial America.

Mr. VARDAMAN. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Martin, Va.	Smoot
Beckham	Gronna	Martine, N. J.	Stone
Brandegee	Harding	Nelson	Sutherland
Broussard	Hardwick	Newlands	Swanson
Bryan	Hitchcock	Norris	Thomas
Catron	Hughes	O'Gorman	Thompson
Chamberlain	Husting	Overman	Tillman
Chilton	James	Page	Townsend
Clapp	Jones	Pittman	Underwood
Clark, Wyo.	Kenyon	Polindexter	Vardaman
Clarke, Ark.	Kern	Pomerene	Wadsworth
Cummins	Lane	Robinson	Walsh
Dillingham	Lea, Tenn.	Shafroth	Warren
du Pont	Lewis	Sheppard	Works
Fletcher	Lippitt	Smith, Ariz.	
Gallinger	McCumber	Smith, Ga.	

Mr. TOWNSEND. I wish to announce that the senior Senator from Michigan [Mr. SMITH] is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand on all votes to-day.

Mr. CATRON. I wish to announce that my colleague [Mr. FALL] is absent on account of illness.

Mr. STONE. The Senator from Delaware [Mr. SAULSBURY] is detained on account of illness. He is paired with the Senator from Rhode Island [Mr. COLE]. I will let this announcement stand for the day.

Mr. CHILTON. I ask leave to announce that my colleague [Mr. GOFF] and the Senator from South Carolina [Mr. SMITH] are absent on account of illness.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

Mr. McCUMBER. Mr. President, I understand now that the Clarke amendment is before the Senate. To bring the matter to an issue upon the divergent thought of the Senate, I offer an amendment as a substitute for the pending amendment. I ask that the proposed substitute be read.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. In lieu of the amendment proposed by Mr. CLARKE of Arkansas, it is proposed to insert the following:

The President of the United States is hereby authorized and directed to indicate to the great powers of the world the desire of this Govern-

ment to extend to the Philippine Islands and the Philippine people full and complete independence whenever it shall be warranted in the belief that such independence will be permanent and be respected by the other powers of the world. The President is further authorized and requested to secure from such other powers such agreements as will insure the independence of said islands in perpetuity, and when such agreements have been made he shall forthwith direct a convention to be held in such islands for the purpose of adopting a constitution providing for a republican form of government, and as soon as such constitution has been adopted and officers have been elected and a government inaugurated thereunder he shall, by proclamation, declare such islands and the people thereof to be a free and independent state, with all the powers of complete sovereignty.

Mr. McCUMBER. Mr. President, I have been laboring for some time under the impression that in conformity with the platform of the Democratic Party it was their intention to introduce and pass a bill the effect of which would be the independence of those islands from this Government. I confess that as amendments are being offered and coming from that side my faith in the intention of the other side of the Chamber to carry out that platform pledge has been somewhat shaken. I find an amendment offered here the purpose of which seems to me to be that of delay—to put the matter off at least for another administration to deal with, if not for several years. I can find nothing in the amendment or in the original bill which promises to grant independence or which establishes a rule under which such independence would naturally follow.

We are confronted here with two very distinct theories of our national duty. I should like the attention of the Senator from Arkansas at this point. The theory of a great many on this side of the Chamber is that we should not at this time even promise or suggest independence, backed by the belief of a great many on this side of the Chamber that we should continue to hold those islands for an indefinite time. I had supposed that the prevailing thought on the other side of the Chamber was that we should take definite steps toward securing Philippine independence, and that independence meant full independence from us without any strings attached to it.

Personally, I can not conceive of granting the Filipinos independence from us with a guaranty upon our part that we will protect their independence. That guaranty must necessarily carry with it the right of interference. The right of interference must to a certain degree deprive these people of the right of complete independence. Not only that, Mr. President, but the result of such a condition would be that while we release all power over the control of the islands and their internal relations, while we have no power to enforce their conduct toward the other nations of the world, we are forced to guarantee that they will not be punished for such misconduct by invasion by any other nation of the world.

I possibly stand midway between the two sides upon that question. I believe that we ought not to attempt to hold that Asiatic territory, either for our benefit or for their benefit. I believe that they do not want our protection. They are not asking for it. We are gaining nothing in affording it. There is no moral duty for us to reach over into Asia and impose our method of civilization upon them; and there being a constant responsibility, measured more than in mere millions of dollars, I think that our first duty is to get rid of those Asiatic possessions, and get rid of any Monroe doctrine that we would have to carry 7,000 miles from our shores. We have all of that doctrine we can properly attend to on this side of the earth.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. Certainly.

Mr. NORRIS. I wish to inquire of the Senator about the words "in perpetuity" in line 10. I feel very friendly toward the Senator's amendment, but I do not believe we ought to try to get anybody else to agree to something we do not agree to ourselves.

Mr. McCUMBER. Mr. President, just let me say right there that the provision in the Clarke amendment was for temporary protection, and therefore to draw the line of distinction between this amendment and those that had already been offered, whereby we were to guarantee a temporary independence, I used the words, not to guarantee anything, but to secure an agreement that the independence of the Philippines should be recognized in perpetuity. That does not mean that other nations should agree with us that forever and ever they would keep their hands off of the Philippines, but that they would enter into an agreement that the islands should be free and independent indefinitely, or at least that they would not interfere with their independence.

Mr. NORRIS. Does not the Senator think that the words he has used mean more than that? The amendment says, "insure the independence of said islands in perpetuity."

Mr. McCUMBER. It says that the President should secure such an agreement as would insure their independence. Now, I think "perpetuity" goes a little further than I would insist on going.

Mr. NORRIS. It is a good while.

Mr. McCUMBER. If we just drop out the words "in perpetuity," and leave it so that it would mean indefinitely, we would obtain the same result.

Mr. NORRIS. If those words were out, I should be glad to vote for the Senator's amendment.

Mr. McCUMBER. I should be perfectly willing to have the words stricken out.

Now, I wish to address myself again to the author of the amendment. This amendment seeks to obtain a guaranty of other nations. I think the Senator introducing it could have little hope that we would be able to secure such a guaranty after the islands had become wholly independent of our sovereignty or control; and therefore he provides that if other nations will not guarantee their independence or territorial integrity for a number of years, this Nation shall be bound to do so for that definite time.

Let me put the same question that I did yesterday. The Senator was not present at the time. Suppose we present this question to Germany, for instance, after we have released the Philippine Islands, and they are just as independent of us as any other part of the world, and we ask Germany to enter into an agreement with us that she will assist us in guaranteeing the independence of those islands. The very first question that Germany probably would ask us would be: "What consideration is there for me to enter into an agreement of that kind at this time? That agreement means war. That agreement means that I shall become your ally. That agreement means that if you get into war with Japan, and Japan seizes those islands, then, under the guaranty which I make, it becomes my duty to join with you in a quarrel against Japan for the purpose of securing the abandonment of the islands by Japan."

Suppose we put the same proposition up to Great Britain. Would not her answer naturally be the same? "It is not a matter for me now to determine. Conditions might arise in which I might wish to join you in protecting those islands; but a protectorate, a guaranty, means that that guaranty must be backed with power, and backed with power means backed with the war power. I will not enter into an agreement beforehand that if you and Japan get into a quarrel in which I have no interest, and she attacks your outlying possessions, which naturally would be the very first place at which Japan would strike, I must enter into that war with you, take up a quarrel that does not belong to me and in which I am not interested, and assist you to drive the Japanese out of the islands, in order to protect their integrity."

I believe the only conclusion is that we never could secure an agreement of that kind, and to me it would seem as though we were a bit impertinent in asking the other countries of the world, after we have lost all control over the islands, to enter into an agreement with us concerning an entirely independent nation.

While I do not think we ever would secure the guaranty, I should have no objection to voting for the amendment that is proposed by the Senator if it provided in the very beginning that before we should release our control over those islands we should secure that guaranty, because I will never believe for a moment that we can secure it after we have released our control.

Mr. CLARKE of Arkansas and Mr. SHAFROTH addressed the Chair.

Mr. McCUMBER. I yield to either one or both the Senators.

Mr. SHAFROTH. Mr. President, would not the Senator's attitude be, then, that he would leave the independence of the Philippine Islands solely to the will of some foreign power? If you are going to make that a condition precedent to granting them independence, and say that these nations must join in a neutrality agreement, it would be in their power to prevent the independence of the Philippines.

I concur with the Senator in some respects in regard to the difficulty of getting foreign nations to agree to this; but I take it that according to the CLARKE amendment, while the President may not be able to obtain the consent of the nations of the world to guarantee by force of arms the sovereignty and independence of the Philippine Islands, yet he can do what has been done time and again, and was done with relation to the Hawaiian Islands, and that is that each nation would agree not to take possession of or control the islands in any manner. That would involve no obligation except their own obligation. If you would get the leading nations of the world to say, "We will not attempt to establish a suzerainty or any control whatever over the Philip-

pinas," it would have the same effect as if there had been an agreement as to sustaining the sovereignty of the islands with armed force.

Mr. McCUMBER. The point I am attempting to make, however, is that it would be impossible to secure such an agreement. There are relations between Japan and Great Britain, treaties of common interest, treaties between the other nations of the Old World, of such a character and demanding the dependence of one upon the other, that it would be impossible, in my opinion, to get other nations to agree to guarantee their independence. Now, if you put it just upon this ground—to get them to agree, upon their part, not to interfere with the independence of the Philippines—that is a different proposition. That they can do. That is a negative proposition. But here you are asking them to enter into a positive agreement which it will require all of their armed force to carry into effect, and which might require them to do the very thing that they do not wish to do at the time.

Mr. SHAFROTH. But the Senator seems to attach to his amendment the idea that nothing with relation to the independence of the islands shall proceed unless that agreement is obtained. I take it that under the Clarke amendment the President would have a perfect right, if nations refused to enter into an agreement of the kind he states, to get them to say, "We will agree to withhold any effort upon our part to acquire any of the territory of those islands"; and, it seems to me, that would be right in line with the amendment. The lesser is included in the greater power, and if he can not obtain one he can obtain the other.

Mr. McCUMBER. No; I do not understand that the amendment is such that the President or anyone else can hold it up indefinitely. If I am in error in that, I am willing to be corrected. My understanding is that if this agreement is not secured within a certain time, then for a definite time we will guarantee the independence of the Philippine Islands, and then they shall become independent, with our guaranty for a specific time. That is my understanding of the amendment—not that the President has power, nor any succession of Presidents, to continue their dependence just as long as his judgment should dictate.

Mr. SHAFROTH. Oh, no; I do not understand that that exists under the Clarke amendment; but I think the Senator agrees that if the nations of the world would unanimously guarantee the independence of the islands it would unquestionably be a good thing.

Mr. McCUMBER. Oh, yes.

Mr. SHAFROTH. Now, if it can not be done, the President evidently has the power to do the next best thing, and that is to have each one agree that they will not trespass upon the territory of the Philippine Islands.

Mr. McCUMBER. Oh, but there is no such proposition in the amendment of the Senator from Arkansas. If that proposition were in it—that if the President can not secure the one, he at least might secure their agreement to refrain from interference upon their part, as a condition precedent to the granting of independence—I certainly should support it. But I want to say to the Senator that there is a line of difference between our ideas of what should be done with the Philippine Islands. While I take the ground that we are under no moral obligation to continue to educate the Filipino people indefinitely; that we are under no moral obligation to stand guardian over an Asiatic people seven or eight thousand miles away from our nearest border, I do concede that, having taken possession of them, having made them our foster child for a period of 16 or 17 years, our relation toward them has been changed in some respects, and that changed relation imposes a duty upon our part. My conviction is that if we now release our control over them, we should see to it that no other great nation shall proceed to take possession of them. I think we owe it to them and to ourselves, if we grant them independence, that we shall know beforehand that that independence is going to be respected by the great nations of the world.

Mr. SHAFROTH. The trouble with the position of the Senator is that he wants that as a condition precedent. I think the most important thing is the independence of the Philippines. If they are willing to take the independence without this guaranty—and it seems that they are, as they say that no nation that ever obtained independence ever asked for a protectorate—we ought not to hold back and make it a condition that "it is necessary to obtain an international agreement before we will give them independence." We ought not to make such a condition.

I do not consider that the danger of outside interference is of such great moment. I do not believe that there is going to be any such interference. Many of the nations of the world are

small, and yet have maintained their independence for many years. I believe that there is more danger to the Philippine people of a change of policy of some kind upon our part, as in the exercise of an iron hand upon them, and that they would have more ground for fearing that than they would of any other nation attempting to take control of them.

For that reason I put first, as the most important thing in this bill, the independence of the islands; and second, such guaranties of nations as we are able to get to maintain their independence.

Mr. McCUMBER. No, Mr. President; the most important thing is not the temporary independence of the islands. The most important thing is the permanent independence of the islands. The most important thing to the islanders themselves is not that they shall be granted a temporary independence that may last two or three or five years, and which they may lose the moment that any of the countries get into a conflict over there, and either one or the other may consider that it is for its interest that it should seize and hold the islands. I think we owe them a further duty than merely saying, "Now, get out and take care of yourselves." The reason why I insist upon the condition precedent is that I feel positive we will not get any condition subsequent; certainly not a condition that amounts to a guaranty of their independence.

I am not frightened by the specter that is held up by my good neighbor here from South Dakota [Mr. STERLING] that the moment we cease our control over those islands there will be scenes of riot, insurrection, and bloodshed. I believe the evidence establishes that the great majority of those people are rather docile. I am more inclined to think that the great majority will be imposed upon, and that the government will be controlled by a very few than there will be danger of insurrection after insurrection. Probably not more than one out of fifty of the inhabitants of those islands is fitted for self-government, and the probabilities are that that one out of fifty in each instance will do the governing. They may govern fairly well; but what I want to secure, before I dare let go of those islands, is the assurance that no other nation will immediately seize them. We would not want to send our child out from us where we knew or felt that there was danger of his being destroyed by any force; nor do I feel that we ought to send the Philippine Islands out of our control without some understanding on the part of the other nations of the world that if we are generous enough to grant them their independence other nations shall at least be generous enough to leave them alone.

I am fearful that they are not all governed by the same ideals that I hope govern this country. I never have known of an instance in history where any great nation, as powerful as ours, has taken possession, through conquest or otherwise, of another smaller country and has withdrawn of its own accord; has given the people of the subject nation education and shown it the pathway of popular government—"We will now release you from our control and send you on your way with our blessing." I am suspicious that the world is not educated up to that idea as yet, and that you can not trust it implicitly. Because of my suspicion, I do hope that before we adopt a policy that says that the Philippine Islands shall no longer be subject to this country we shall feel reasonably sure that they shall not be subject to any other country in the world.

The Senator from South Dakota [Mr. STERLING] has discussed the value of the Philippine Islands to us from a financial standpoint. I said the other day, and I think I could corroborate the statement by figures if I desired to take the time, that where we have received \$1 of benefit we have paid more than \$100 of expense. Wherever we have increased the trade of the Filipino people with the United States we have done so at the expense of the people of the United States in giving them free markets for their sugar and tobacco, and so forth, that compete with our own home industries. From a commercial standpoint we have benefited them, without any possible question, and if they have received any benefit from us we have taxed ourselves to pay for that benefit ten times over.

But we can not measure our responsibilities in mere dollars and cents. There is another obligation that we have imposed upon us. We are now to enter upon a new phase of American life—the creation of a mighty Army and Navy. We are now to compete with Great Britain and Germany and Japan in the building of dreadnaughts. I admit that so long as we hold the Philippine Islands we shall have to have more dreadnaughts than either Germany or Japan. We shall have to be able to defend the islands. As has been suggested by the Senator from Oregon [Mr. LANE], those islands are the one great vulnerable point in our American defenses, and we must meet that vulnerability.

Mr. STERLING. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. With pleasure.

Mr. STERLING. I merely wish to ask the Senator if that consideration has governed us up to this day in the matter of building dreadnaughts? Can the Senator say that we have increased our Navy or built dreadnaughts for the purpose of defending the Philippine Islands?

Mr. McCUMBER. Yes, Mr. President; it has governed us. I remember very well when we were first asked to increase our yearly appropriation for two battleships a year to four. It was based entirely upon the assumption that there was danger from the Asiatic side, not from the European side, at that time; and it meant that we must have an ever-increasing navy to be able to meet the conditions on that side of the ocean. I will say frankly to-day that if I vote for added dreadnaughts, and so forth, I shall be governed more by the necessity of defending the Philippine Islands than by any other single factor.

Mr. STERLING. Mr. President, I should like to ask the Senator from North Dakota a further question—whether, irrespective of the Philippine Islands, he thinks our Navy is too large?

Mr. McCUMBER. No; Mr. President, I answer the Senator frankly. We may need a good, strong Navy. I do not think we need as great a Navy as Great Britain, if that is included in your question, for the reason that Great Britain has vulnerable points even beyond that which we have, and so close to us where we can strike her so quickly and so effectively that there is no danger of war with that country, unless we were the one to force the war ourselves.

Mr. STERLING. I quite agree with the Senator from North Dakota, that we do not need nor should it be our ambition to have as great a Navy as Great Britain; but my question simply related to whether or not, irrespective of our ownership or retention of the Philippines, our Navy as it exists is too large.

Mr. McCUMBER. No; I am not saying that our Navy as it exists is too large. As the other nations grow in naval power and as we have considerable commerce with the outside world, we shall have to keep somewhat apace with their growth, but it does not mean, as in this instance, that we shall not only keep at a general pace but keep ourselves so much ahead that we are able to cross the ocean 7,000 miles and defend our outlying possessions. It needs a very much larger Navy, and a very much larger standing Army to be transported to this weakest point than it would require if we were not under obligation to protect them.

Mr. STERLING. Mr. President, we are then coming back to my original proposition exactly, that we have no greater Navy now than we reasonably need. The Senator has said that we were induced to build a Navy because of the Philippines, and that that was the argument used at the time of the appropriation for the increase of the Navy.

Mr. McCUMBER. Oh, no; the Senator misunderstands me. That certainly was not my intended statement.

Mr. STERLING. I so understood the Senator.

Mr. McCUMBER. I say the growth has been influenced more or less by the fact that we have had the Philippines, and that has been used heretofore as an argument to double the number yearly of our dreadnaught type of battleships, because of the danger from the Asiatic side.

Mr. STERLING. Then, Mr. President, all I have to say is that if our Navy is no greater than we need, the influence of the Philippines in causing the building of a greater Navy was a good and wholesome influence.

Mr. McCUMBER. The influence did not operate to build the extra two, however. The influence was not sufficiently strong. We voted only our two battleships yearly, just the same as we had done the year previous; but the pressure was extraordinarily strong that we should proceed immediately to provide for four battleships a year, and to-day there are administration orators traveling over the country proclaiming the necessity of not only doubling but trebling or many-times-over increasing our armament and battleships.

The question comes right back to us, why? What particular danger looms up in the horizon to-day which demands that we should so greatly increase our naval and military power? We know that the great nations of Europe must necessarily be nearly exhausted before they get through with this war. We know that they will not be in a condition to immediately enter into an aggressive war against us. We know that if there were dangers pending that, with our present preparedness, we could further prepare more rapidly than they could, with their depleted war chests and their destroyed resources. We could fit ourselves ready for war more quickly than any of these Governments could fit themselves to make war against us. Then why

this wonderful haste toward suddenly building up a mighty war fleet and increasing our standing army without giving us the slightest idea as to where the danger is to come from?

Because of our attitude toward people of a certain color, who are proud and strong and believe that they ought not to be legislated against, I can naturally see that there is constant danger of friction and that we can never tell when that danger may break out into open hostility, and we must be prepared to meet it. But it is one thing to be prepared to meet and overcome a hostile fleet seven or eight thousand miles from our own shores and quite another to merely defend our own coasts or our necessary commerce. With submarines and torpedo boats and mines we can defend our own shores. We would not require half as much of a navy in the one instance as in the other.

That, Mr. President, is one of the principal reasons why I would like to get rid of the Philippine Islands and withdraw our Monroe doctrine from Asiatic waters. We will have enough to do to take care of our Monroe doctrine right here at home without attempting to enforce it all over the world. The amendment of the Senator from Arkansas forces our Monroe doctrine into Asia.

Mr. STERLING. Mr. President, I may agree with the Senator from North Dakota in regard to objections to the administration defense program—I am not quite ready to say what my position will be in that regard—but I think he must concede that in his general view of the European war now that is the great stimulus for this immense defense program, and not the Philippine Islands.

Mr. McCUMBER. I am very thankful to the Senator that he has given me the reason. In other words, he says we are nervous of war; that war is going on around us and it makes us nervous.

Now, the time to be sane is when everyone else is crazy. The time for us to keep our mental balance is when all the rest are at war attempting to destroy each other.

I am not discussing at present the general matter of an increased Army and Navy. I am willing to join in doing what is necessary and proper for national defense or preparedness, but I should like to have some good reasons stated why it is necessary to double and treble our Army and our Navy unless we are all looking toward that one weak spot away off in the Pacific—and the sooner we get rid of that, in my opinion, the better for this country.

Mr. President, in closing this short debate I assume that Senators on the other side are already agreed as to what they are going to do in the matter of amendments. I am not so fearful now of your Filipino bill becoming an effective law that will really bring on the independence of the Filipinos. You put the matter off for several years. You establish no definite policy, except a policy to get something that I am certain you will never succeed in getting, a guaranty. Another Congress two or three Congresses ahead will undoubtedly deal with that question. But feeling as I do that we ought to get out of Asia, feeling as I do that we owe a duty to the Philippine Islands because we have held them and that duty is to assure the independence which we may grant to them, I have drafted this simple amendment. If we can not secure from these Governments an agreement that they will respect the independence of the islands toward which we show this kindly interest and this great national spirit of justice, if they will not agree to allow them to remain independent, then I say frankly I want to hold them until they do agree to do so.

Mr. STERLING. If the Senator will permit me a question before he takes his seat; I refer to the first part of the Senator's amendment which authorizes the President of the United States "to indicate to the great powers of the world the desire of this Government to extend to the Philippine Islands and the Philippine people full and complete independence whenever it shall be warranted in the belief that such independence will be permanent and be respected by the other powers of the world." I suppose the meaning is whenever the Government of the United States shall be warranted in the belief.

Mr. McCUMBER. Surely; the pronoun "it" refers to the Government.

Mr. STERLING. I would like to have the Senator explain in what way we would have an expression of that belief on the part of the Government. It would be by act of Congress?

Mr. McCUMBER. No; by entering into diplomatic relations with each of the great Governments that would be at all liable to interfere with the independence of those islands, and an agreement or a treaty, because it would be in effect a treaty, that they would refrain from interfering with the independence of the islands.

Mr. STERLING. Yes; but before there is any diplomatic correspondence with other powers, Mr. President, the amendment implies that the Government of the United States shall be

first warranted in the belief that such independence will be permanent and be respected by the other powers of the world.

Mr. McCUMBER. I do not think the Senator reads it correctly—

The President of the United States is hereby authorized and requested to indicate to the great powers of the world the desire of this Government to extend to the Philippine Islands and the Filipino people full and complete independence whenever it shall be warranted in the belief that such independence will be permanent—

And so forth.

That is, that the Government will indicate the desire of this Government to extend to the Philippine people independence when this Government is assured that the independence will be permanent. There can be but one meaning to that.

Mr. STERLING. Mr. President, just one further question. Of course the Senator realizes to what extent the question of independence in the Philippine Islands has been made the subject of party politics from the time of our acquisition of the islands. Does not the Senator think that even with his amendment it would still be made a partisan matter?

Mr. McCUMBER. No, Mr. President; I hope that that would not be the case. I am dealing with the matter certainly from a nonpartisan standpoint, and I hope Senators on the other side will do exactly the same thing, and will show their good faith in the intent to give to these people independence. Giving them independence from us is not where we want to stop. We want to know that they are going to be independent after they have left our control.

Mr. President, I will strike out of my amendment the words "in perpetuity," in line 10. I do not think they are necessary.

Mr. CLAPP. Before the Senator takes his seat will he pardon an interruption?

Mr. McCUMBER. Certainly.

Mr. CLAPP. I certainly do not want to be captious about the amendment; I am in sympathy with a good deal that the Senator has said; but it does seem to me that this leaves the matter in a very vague and indefinite way. After first providing that the President is "authorized and requested to indicate to the great powers of the world the desire of this Government to extend to the Philippine Islands and the Filipino people full and complete independence whenever it shall be warranted in the belief that such independence will be permanent and be respected by the other powers of the world"—

Mr. McCUMBER. That is, it is our desire to do so only when we are assured that it will be respected. That is the meaning of the phrase.

Mr. CLAPP. Now:

And when such agreements have been made.

There are no designated governments that we are to deal with. The administration which is in power might feel that an agreement with one or two nations would do, while Congress might feel that the nations which might most likely be inclined to make trouble thereafter were not included. There would then the issue arise as to whether or not the great powers of the world had joined in this agreement.

Mr. McCUMBER. Mr. President, we have dealt so long with the phrase "the great powers of the world" that I think we have all come to recognize what is meant by it. It is impossible to designate every nation in the world or to designate just where the line might be drawn. I should think it a little mischievous to designate particular nations. I would rather leave it to the President to act when he thinks that we have a sufficient number to justify it. Remember the matter will always be before Congress until it is completed. I certainly would want Great Britain, Germany, France, Austria, Russia, Italy, Japan, and Spain to be included. The President might think it was not necessary to include Italy or not necessary to include Spain, possibly not, but I think in all probability he would include those which we recognize as the principal powers of Europe and Asia.

Mr. CLAPP. My objection to it is that it really does not settle anything. It does seem to me that we ought to do one of two things—either quit talking about the independence of the Philippine Islands or take specific steps that more or less automatically would lead to our acknowledgment of their independence.

I do not want to be captious every time a Senator offers an amendment here; I realize that it is much easier to find fault with amendments than it is to draw them; but it does seem to me that at this time we ought to do one of two things—either quit talking about it or take steps to acknowledge their independence.

Mr. McCUMBER. Let me ask the Senator a question, since he has asked me one. Even though the Senator may believe in the independence of the Philippine Islands, does he believe that

we ought to grant them independence without any understanding with any power on the face of the earth that that independence shall be recognized or respected? Would he be willing to turn them loose without any understanding with any other power in the world?

Mr. CLAPP. That is just what I am in favor of, so much so that I find it difficult, even as a step toward their independence, to support any of these amendments. I am opposed to any string being tied to it, and I certainly am opposed to any entangling engagements with other nations or any entangling engagements between the Filipinos when they become a nation and this Nation. If on the day when our fleet sailed into the harbor of Manila there was no obligation resting on us to wrest the Filipinos from foreign dominion, there certainly is no obligation resting upon us to-day to guarantee their independence, unless in the 17 years we have rendered them less capable, perhaps, to take care of themselves than they were before.

Mr. McCUMBER. Mr. President, there is no obligation on my part to take a poor child out of the street and take him into my family for 17 years, but if I do so I feel that I have a little greater obligation at the end of those 17 years to look after the interest of that child. That is the difference between the Senator and myself.

Mr. CLAPP. When I surrender that child he may be less able and less capable to meet whatever surroundings there might be in front of him. If I had taken the child and led him by the hand for 17 years and guided him and protected him and guarded him, I am under no obligation to continue that burden unless my relations to that child had rendered the child less capable than he was when I first took him under my tutelage and guardianship.

Mr. McCUMBER. Possibly, Mr. President, there would be no real obligation except the obligation of your own heart and conscience. Interest grows toward your ward, an interest which demands of you that you should do something more for that child than you would if he had never been under your control.

Mr. CLAPP. Undoubtedly in the 17 years with that kind of a relationship there would grow up in me an affection for that boy, but I am speaking now of one race dealing with an alien race, where the sentiment of affection cuts no figure and can not cut any figure. We took those islands. We were under no obligation that morning to relieve them from the dominion of Spain. After 17 years, teaching them the lesson of liberty, teaching them the intelligence that comes from common schools, if to-day we are under an obligation to do something that we were not before we sailed there in 1898 it is because the relation which has existed has rendered them less capable and less competent to go on with their own affairs.

Mr. McCUMBER. Mr. President, I feel that there is more of an obligation than there was upon us when we first took the Philippine Islands, but that is a difference between the Senator and myself.

Mr. NORRIS. Mr. President—

Mr. McCUMBER. In just one moment I will yield. The Senator says this amendment does not get anywhere. I do not want it to get anywhere until I know that these people are going to have independence, until we get an understanding. I believe that all the nations of the world would be glad to have us release the Philippine Islands and not project ourselves into Asiatic matters, unless possibly it would be Great Britain alone. I feel that there would be no difficulty while they are in our possession for us to get an arrangement, because there is a consideration. While they are ours, the consideration is that we will let go of them, and I believe all the great Governments would be highly pleased to have us do so. But beyond that, if we once let go of them, then I can not see any consideration that we can offer to other nations for entering into a guaranty obligation.

Mr. CLAPP. I quite agree that there is nothing in the guaranty obligation, and if I vote for that amendment it will be solely on the ground that it is the only apparent avenue toward a conclusion of some sort in this matter. But my objection to this is that after this experiment of getting the agreement with those nations has been tried out, one group will say to this country we have now placed this matter where independence is permanently guaranteed and another group will say we have not got this nation or that nation into the agreement, and we still leave it a matter to be beaten back and forth between two political parties.

Mr. McCUMBER. There may be some dangers, Mr. President, from certain directions where there would be no danger from other directions. I think we could trust the President and Congress to determine which were the dangerous directions and to meet them.

Obtaining this agreement will be the first step. Then all we have to do is to call a convention and agree upon a republican form of government in the Philippine Islands, allow them to elect their officers, and then a proclamation by the President frees them forever from our control, under the amendment which I offer.

Mr. CLAPP. That part is easy. When the various contending factions and interests in this country, if they ever should, under this amendment, agree that a sufficient guaranty has been obtained, the balance of it is automatic. That is a part of the amendment that I am in sympathy with, and to that extent I prefer it to the other amendment. But that does not relieve us of the situation that at any time there will still be a difference of opinion. There are those who believe that the suggestion of the Philippine Islands being attacked by some foreign nation is a dream. The only reality it has in history is the fact that we took them when we got into the war with Spain.

Mr. McCUMBER. If we had not been in the war with Spain, we never would have taken them.

Mr. CLAPP. We never would have touched them.

Mr. McCUMBER. The Senator is absolutely correct. I yield now to the Senator from Nebraska.

Mr. NORRIS. I wish to direct the Senator's attention to line 6 of his amendment. I suggest to him that there might be, it seems to me, a possible misunderstanding there in the way it reads. If the Government of the United States "shall be warranted in the belief that such independence will be permanent and be respected by the other powers," and so forth. It seems to me that the words "permanent" and "be" ought to be stricken out, so that it will read that the President shall indicate to those powers that this Government desires "to extend to the Philippine Islands and the Philippine people full and complete independence whenever it shall be warranted in the belief that such independence will be respected by the other powers of the world."

If it is left just as it is it will be for this Government first to determine whether it is of the belief that the independence will be permanent, and after it has determined that, then, whether such independence will be respected by the other powers of the world.

Mr. McCUMBER. The Senator does not get the right construction of the sentence. The sentence means that we indicate our desire to grant independence on the condition that we believe such independence will be permanent.

Mr. NORRIS. Now, when is that going to be? Who is going to decide that?

Mr. McCUMBER. It is simply declaring our sentiment that we do not wish to indicate that we would give them independence independent of the fact that it shall be recognized by others. We want that first.

Mr. NORRIS. Then, does not the Senator think it will take some further legislation? Suppose the President would say, "I am of the opinion myself, and I am representing the Government of the United States, that independence would not be permanent?"

Mr. McCUMBER. No; the President simply indicates not his desire, but that it is the desire of this Government to grant independence to those islands upon assurances that such independence will be permanent. It does not desire to grant independence unless it is assured.

Mr. NORRIS. By the other governments?

Mr. McCUMBER. Yes.

Mr. NORRIS. That is what I thought the Senator wanted it to mean, and that is what I should like to have it mean, but it seems to me that as he has it drawn it does not quite mean that. The President could really say, "The Government of the United States has not yet determined the first feature." It says, "The President of the United States is authorized and requested to indicate to the great powers of the world the desire of this Government to extend to the Philippine Islands and the Philippine people full and complete independence whenever it shall be warranted in the belief that such independence will be permanent and be respected by the other powers of the world."

Now, somebody must determine for this Government. We do not determine it by this act, if we leave it that way. Somebody must determine for the Government whether we believe it is going to be permanent, and after we have determined that then we want an additional assurance that it will be respected by the other powers.

Mr. McCUMBER. Mr. President, that is not the idea I seek to convey at all. That section relates only to the expression of the desire of this Government.

Mr. NORRIS. I think I understand.

Mr. McCUMBER. It has nothing whatever to do with the act of the President, except that the President shall indicate

that it is not the desire of this Government—putting it in the negative way—to give independence to the Philippine people unless it feels at the time that such independence will be respected and be permanent.

Mr. NORRIS. I think the Senator and myself are in perfect accord as to what we want to do, but it does seem to me that he has not expressed that idea, and that it would be completely expressed by striking out the words "permanent and be." Then it would read:

The President of the United States is hereby authorized and directed to indicate to the great powers of the world the desire of this Government to extend to the Philippine Islands and the Philippine people full and complete independence whenever it shall be warranted in the belief that such independence will be respected by the other powers of the world.

Mr. McCUMBER. Well, Mr. President, it would mean exactly the same thing, in my opinion; but, as the Senator thinks that it will not, I will amend it by striking out the words "permanent and be" in line 6 and will offer the amendment in that form.

The VICE PRESIDENT. Then, the question is on the amendment of the Senator from North Dakota as modified to the amendment of the Senator from Arkansas.

Mr. HITCHCOCK. Mr. President, is that amendment offered as a substitute for the amendment of the Senator from Arkansas?

Mr. McCUMBER. Yes; that is the purpose.

Mr. HITCHCOCK. While I am on my feet, Mr. President, I wish to say that the Senator from North Dakota is not entirely accurate in his statement or assumption that the Senators on this side of the Chamber have agreed upon any particular amendment to this bill. The bill has been discussed for the most part on the other side of the Chamber. I think it is growing rather late to-day, but to-morrow it will probably receive some discussion on this side of the Chamber, especially by the Senator who is the author of the amendment.

I want to say for myself that the amendment as proposed by the Senator from Arkansas is not satisfactory and that I shall take occasion to point out what I consider objections to it, or to parts of it; but I did not like to have the statement of the Senator from North Dakota pass without comment and leave the assumption that there has been any agreement upon the amendment.

Mr. CLARKE of Arkansas. Mr. President, on to-morrow at 2 o'clock I shall ask the Senate to hear me briefly in support of the amendments I have from time to time offered. I think I can join the Senator from Nebraska in the statement that the amendment in its present form is not so satisfactory to me as it might be. I have been induced to modify it from time to time until I am now in a frame of mind to say that it barely satisfies me. I would be glad to see more prompt, effective, and definite action taken in connection with this subject, but legislation is a matter of compromise; it involves the process of harmonizing conflicting views, and it frequently turns out that a legislator is compelled to accept very much less than he would demand if he had the power to supply his own wishes. So I will address the Senate briefly on to-morrow, if I have the opportunity, at 2 o'clock.

Mr. CUMMINS. Mr. President, I could not hear the suggestion made by the Senator from Nebraska [Mr. HITCHCOCK]. Whenever the amendment offered by the Senator from Arkansas [Mr. CLARKE] is complete, I have an amendment which I propose to offer as a substitute for it, after the other amendments already proposed are voted upon. I could not hear what the Senator from Nebraska suggested with respect to the procedure. Will he restate it?

Mr. HITCHCOCK. Mr. President, I made no suggestion as to the procedure. I understand that the vote will first come upon the substitute offered by the Senator from North Dakota [Mr. McCUMBER], and, so far as I am concerned, I am ready to take that vote now. After that has been acted upon it will then be for the Senate to decide what further action to take. The Senator from Arkansas desires not to speak to-day. I had hoped that he would address the Senate to-day, and that the amendment might come to a vote to-day; but to-morrow I shall urge that we reach a final vote upon the amendment of the Senator from Arkansas and all substitutes or amendments to it.

Mr. CUMMINS. I understood the Senator from Arkansas to suggest that he desired to discuss his amendment to-morrow at 2 o'clock; but do I understand from the Senator from Nebraska that the present amendment offered by the Senator from Arkansas is to be withdrawn and another offered in its stead?

Mr. CLARKE of Arkansas. No, sir; the Senator did not understand the Senator from Nebraska to say that, because there is nothing less likely to occur than that. It may be amended, and probably needs amendment, but I think I can say with certainty that it will not be withdrawn.

Mr. CUMMINS. I thought that a different amendment had been agreed upon on the other side.

Mr. HITCHCOCK. No, Mr. President. I was correcting a statement made by the Senator from North Dakota to the effect that he assumed that this side had agreed upon some particular amendment.

Mr. CUMMINS. I beg pardon. I entirely misunderstood the Senator from Nebraska.

Mr. McCUMBER. Mr. President, I am glad if I have been misinformed.

Mr. CLARKE of Arkansas. Mr. President, we have not adhered very closely to the rules in the consideration of these various amendments. As a matter of fact, there are three so-called Clarke amendments pending; that is to say, there are three that have been introduced. The Senator from Iowa need not defer until to-morrow any remarks that it is his purpose to submit, for his amendment has been offered; it will be reached in regular order, and there is no reason why he should not proceed with his remarks this afternoon if he sees proper to do so.

Mr. CUMMINS. I am quite ready to go on at any moment when it is in order to do so. I desire, as soon as the amendment offered by the Senator from North Dakota is disposed of, to offer an amendment, and when I have offered it I intend to debate it.

Mr. CLARKE of Arkansas. It will be only an amendment in the second degree if the Senator should offer his amendment now. That is in order, and he may debate that at this time.

Mr. McCUMBER. Mr. President, the ordinary rule of the Senate is that an amendment should be perfected before any other amendment is offered as a substitute; and as the Senator wishes to defer his discussion and, possibly, to perfect his own amendment, I would rather not press mine for a vote this afternoon, but wait until I know just exactly what the Senator is going to propose. Possibly his amendment might be such that I would not want to offer mine as an amendment to it.

Mr. CLARKE of Arkansas. I have no purpose at this time of offering any further modifications of the amendment; but I was attempting to make way for the Senator from Iowa to proceed with his remarks this afternoon. The amendment offered by myself is the main question. The Senator from North Dakota has offered a substitute. The Senator from Iowa may offer his amendment as a substitute for the amendment offered by the Senator from North Dakota, and proceed at this time, if he so elects.

Mr. CUMMINS. I prefer, if it will not inconvenience anybody, to offer mine as a substitute for the amendment presented by the Senator from Arkansas, after the amendment proposed by the Senator from North Dakota shall have been disposed of in some way.

Mr. McCUMBER. And, Mr. President, I would prefer to defer action on my amendment until the Senator from Arkansas, who has not spoken upon his amendment at all, has had an opportunity to do so. He might change my opinion altogether.

Mr. CLARKE of Arkansas. I think that is an entirely reasonable request, and I am sure the Senate will not insist upon a course in contravention of it.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, if there is nothing more now to be said, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 27, 1916, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 26, 1916.

SURVEYOR GENERAL.

Frank P. Trott, Phoenix, Ariz., to be surveyor general of Arizona.

POSTMASTERS.

ARKANSAS.

Camille Bringle, Wilson.

DELAWARE.

John T. Ratledge, Elsmere.

MASSACHUSETTS.

John Adams, Provincetown.

NEW YORK.

Sylvester Curry, Richmond.
Thomas J. Gallagher, Geneva.
C. B. L'Amoreaux, Schoharie.
John P. Purcell, New Dorp.

SOUTH CAROLINA.

William H. Coleman, Columbia.

WASHINGTON.

Edward W. Ferris, Mount Vernon.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 26, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

"O Thou Eternal One, whose presence bright all space doth occupy," mindful of our dependence upon Thee for all that we are and all that we can hope to be, we most fervently pray that Thou wilt continue to uphold, sustain, and guide us as individuals and as a people; deliver us from egotism and bigotry, that with minds and hearts open to conviction we may march on to larger life, to greater victories, under the leadership of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

FRANCES M. HAMMOND—LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. DALE of New York, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Frances M. Hammond, House bill 21013, Sixty-third Congress, no adverse report having been made thereon.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Labor.

CHILD LABOR.

Mr. LEWIS. Mr. Speaker, on last Wednesday the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, was called, but by unanimous consent consideration of that bill was deferred until to-day.

Mr. MANN. Mr. Speaker, would it not be well to have some agreement as to the time for general debate?

Mr. LEWIS. Under the amended rule, the general debate is limited to two hours.

Mr. MANN. Unless the House by unanimous consent extends the time.

Mr. LEWIS. In the absence of any agreement, I presume that an hour will be given to each side, and I move that the House resolve itself into the Committee of the Whole—

The SPEAKER. That motion is not necessary. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 8234, and the gentleman from Texas [Mr. GARNER] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 8234, to prevent interstate commerce in the products of child labor, and for other purposes. The gentleman from Maryland is recognized.

Mr. LEWIS. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. LEWIS. Now, Mr. Chairman, I ask unanimous consent that half of the two hours of general debate be put under the control of the gentleman from Virginia [Mr. WATSON].

Mr. MANN. It does not require unanimous consent. The committee can not give more time. The gentleman will have an hour.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from Maryland made a request for unanimous consent, which, at the suggestion of the gentleman from Illinois [Mr. MANN], seems to have been waived. Reserving the right to object for a moment, I want to ask the gentleman from Maryland whether the two hours' general debate is to be confined to the bill?

Mr. MANN. The rule requires that.

Mr. LEWIS. That is my understanding.

Mr. MOORE of Pennsylvania. That there shall be no outside discussion, then, during the two hours?

The CHAIRMAN. The rule provides that the discussion shall be confined to the bill. The gentleman from Maryland [Mr. LEWIS] is recognized for one hour.

Mr. LEWIS. Mr. Chairman, two questions are presented by the report of the committee on this bill. The first is a question of policy, the second is a question of constitutional power.

I submit that the question of policy has been settled by the legislative decisions of nearly all the States. According to those decisions it is necessary that limitations be placed upon the contractual powers of the parent and the employer with reference to the age when the minor may be employed. Another branch of the question of policy is this: Should those restrictions be imposed by 48 governing authorities, bound in the nature of things to differ, and to introduce uncertainty and complexity in the operations of the rule, or where there is practical unanimity as to the necessity and wisdom of the rule, should it be prescribed by a single authority, insuring uniformity in application and effect? So far as I am concerned, sir, I consider definite rules of limitation upon the ages when children may be employed as of an importance equal to that which actuated the Congress in passing a uniform bankruptcy law. I see no more objection on institutional or moral grounds to applying a uniform rule to the subject of labor of children than I see to applying it to the subject of the rules that shall govern insolvent debtors and their creditors. No appeal on the ground of sectionalism, no attack on the ground that some particular State is delinquent, makes any appeal to me. I plant myself firmly on the ground that the child's life, the importance of a good rule and a uniform rule with regard to the employment of children, are of a dignity that ranks as high as the business considerations which have inspired us to pass a uniform bankruptcy law.

That leaves open, then, only, so far as I am concerned, the question of constitutional power. With regard to that, sir, I must say that, as a lawyer, I have been surprised by the discussions that have taken place before this committee, discussions of a character upon constitutional law that rank as high as any discussions I have ever heard in my experience of 20 years as a lawyer before the courts of my State, to find that clearly and lucidly the power to deal with this subject, the power to deal with any subject relating to the interstate-commerce laws, is one very much more plenary, very much wider in character, than I had ever supposed.

The result of those discussions, sustained by the courts stated in the form of a conclusion, is this: The power to regulate interstate commerce and foreign commerce is without any implied limitations whatever. The only limitations that exist upon the exercise of that power must be limitations expressed in the Constitution itself. Now, it can not be disputed that this bill constitutes a regulation of interstate commerce, because it provides that articles may not be shipped in interstate commerce under certain circumstances. It is therefore a regulation of interstate commerce because it qualifies the exercise of the privilege of participating in interstate commerce. The question arises as to the consideration which moves the Congress to impose that regulation, the regulation itself being beyond question as a fact. What considerations may Congress have in mind in undertaking regulations of interstate commerce? The answer to that gentlemen will find is this: That Congress may move on any consideration, that Congress may move for the accomplishment of any object that is not prohibited by other sections of the Federal Constitution.

The interstate power reposed in Congress is the historical successor of the power that the colonies had as independent nations or sovereignties to do what they pleased in relation to foreign or intercolonial commerce; to do anything they pleased, with reason or without reason, in determining what commerce should move from State to State. The Federal Government in this respect succeeded to their power, to their full and complete and unlimited power. It was shifted from the colonies to the Federal Government, and the only restraint upon the exercise of that power by the Federal Government is what is known as the fifth amendment, corresponding in its effect upon the Federal legislative power to the fourteenth amendment on the State power, namely, that no person shall be deprived of life, liberty, or property without due process of law.

Here are three great substantive subjects of legislation—life, liberty, property. This bill does not involve life, it does not involve the right to property, but it does involve the question of contractual liberty as interpreted by the decisions of our court; liberty, in the sense of the power of the employer to make contracts with the parents of children for their employment below certain minima described in the bill.

Now, let us ask directly, what contractual rights the employer has that are beyond the reach of the State or Federal legislation in the employment of children? The question answers itself in the experience of every layman and every lawyer on this floor. No court has ever held that an employer has a right to make such contracts a right beyond the regulative power of the legislative functions of the government.

The restrictions in this bill are 14 years, 16 years, and then again some about employment during the midnight hours. I challenge anyone here to mention a statute containing any restriction of that character that has ever been held violative of "liberty" as State legislation. These clauses, of course, mean the same in the fifth amendment and the fourteenth amendment. One has its application to State legislative functions and the other its application to the Federal. Their meaning is identical in both cases. If the employer has no invulnerable right to make contracts, if there is no invulnerable liberty in that respect, in relation to employment under State legislation, then in the nature of things he can not have it under the same clause, applied to the same subject by Federal legislative power.

We are not without direct light on this subject from the great tribunal that sits between the two branches of this Congress. In the lottery case, identical with this in principle and character, the Supreme Court held that Congress could use a regulation of interstate commerce, namely, a prohibition of the movement of certain commodities, in order to accomplish a moral object within the State of Louisiana. That moral object was the prevention of the evil of gambling through the lottery enterprises then conducted. If it can use a regulation of interstate commerce to stop lotteries, surely it can not be denied the power to use the same regulation with the object of stopping the employment of children and women under certain deleterious and forbidden circumstances.

They say that the child is not hurt by its employment up to 14. They might refer to my own personal experience, for I went into the mines of Pennsylvania when I was 9 years of age. But I say to you, Mr. Chairman, that every child taken away from the opportunities of education, the opportunities provided at great expense for them by our institutions, before he arrives at the age of 14 years, is a child who is seriously wronged and injured. [Applause.]

I do not care to hear from the doctors on this subject. It is enough to know that as a representative of conditions sought to be remedied by this bill that I was deprived of the priceless privilege of an education in my youth and that other children ought not to be deprived of it in our time, when the art of the inventor, when the achievements of the great masters of industry, and the progress of this world have made it easy for men without such children to win sufficient bread and raiment for the support of their families. What is our civilization worth if we still have to employ such children of this country in manufacturing enterprises?

Mr. Chairman, I reserve the balance of my time.

Mr. WATSON of Virginia. Mr. Chairman, I yield 15 minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Chairman, I have given the provisions of this bill careful consideration, and, in my judgment, they merit the most serious consideration by this Congress. It brings before us, in boldest form, the constitutional question of State rights, in all its seriousness and importance; and along with it an equally serious question of public policy. I desire to discuss the bill from these two angles.

The first section of the bill prohibits the shipment in interstate commerce, by any producer, manufacturer, or dealer, of the product of any mill, cannery, workshop, factory, or manufacturing establishment in the United States which has been produced, in whole or in part, by the labor of persons under the age of 14 years, or by the labor of persons between the ages of 14 years and 16 years, who work more than eight hours in any one day or more than six days in any one week, or after the hour of 7 o'clock in the evening, or before the hour of 7 o'clock in the morning.

The first question that would suggest itself to the average mind upon a full reading of this bill is why the peculiar wording of the bill, "prohibiting shipment in interstate commerce."

I hope to show later in my argument that this phraseology furnishes only a flimsy pretext under which such legislation could bear any semblance to a valid law.

While this bill by its title pretends to deal with interstate commerce, a careful reading will disclose that this is but a subterfuge through which stealthily to rob the several States of their reserved constitutional right to regulate their purely internal affairs. It deals with the age and hours of labor of persons and not with rules and regulations for interstate commerce.

This impression of the measure is entirely borne out by a reading of the report from the Committee on Labor, which recommends its passage.

In the outset of their report, in stating the design of the bill, they say:

It attacks the national evil of child labor.

And, again, I read in the report:

As it will be observed, the minimum penalties fixed under the act are comparatively small as contrasted with the character of the injury done to the State by the lawbreaker in fostering the national evil which it is the aim of this bill to abolish.

Under the second subdivision of the report, entitled "Necessity for Federal relief," not a word is said about any needed or wholesome regulation of the agencies of commerce, but five and one-half pages are consumed in dealing with the necessity for such police regulations which by law belong to the States and a complaint that the States have not done so efficiently.

We read in Upshur on the Federal Government, 98 and post, the following:

Congress has no right to employ for one purpose means ostensibly provided for another. To do so would be a positive fraud and a manifest usurpation; for if the purpose be lawful, it may be accomplished by its own appropriate means, and if it is unlawful it should not be accomplished at all. Without this check it is obvious that Congress may by indirection accomplish almost any forbidden object.

It is difficult to follow the line of reasoning adopted by the committee which brings them to the conclusion that Federal relief only is competent to cure it, for on page 12 of their report they show that 44 States have already legislated upon this subject.

If 44 States of this Union have already undertaken the task of dealing with this problem, including all the great manufacturing States, we may well ask ourselves the question why should the Congress of the United States undertake it, and especially since it involves setting a dangerous precedent by violating the Constitution.

That the laws in the several States differ in their provisions is but the greater reason why they should be let alone. Each State is attempting to meet the requirements peculiar to the condition and needs of its own people.

Is it not fair to presume that the legislatures of the several States, elected by the voters of those States and directly responsible to them, are more competent to judge of the needs of that State than is Congress, far removed from the people to be affected, and with only a few Members who have any first-hand information of their peculiar needs?

Is it possible that those who advocate this measure think that they have "received the coal from off the altar" of ultimate truth? Do they ascribe to themselves that wisdom which, they hold, has been denied to the State legislatures, by which they are justified in fixing this absolute rule for the government of the citizens of all the States?

It is absolutely certain, as seen from the instrument itself, as well as from the writings of that day, that the great minds who framed our Constitution never accredited us as Congressmen with such wisdom.

The sovereign States only delegated to Congress certain powers, and among these is the right to regulate commerce with foreign nations and among the several States. All other powers not delegated were reserved to the States.

There was a deep-seated conviction among the framers of our Federal Constitution that a Federal Government composed of several States, each retaining large jurisdiction, was far preferable to a strong central government.

One whose writings inspired much of the thought of the day was Rousseau; his *Contrat Social* became a standard textbook for the makers of government of those days. In this work, Rousseau says:

As nature has set limits to the stature of a properly formed man, outside which it produces only giants and dwarfs; so likewise, with regard to the best constitution of a state, there are limits to its possible extent, so that it may be neither too great to enable it to be well governed nor too small to enable it to maintain itself single-handed. There is in every body politic a maximum of force which it can not exceed and which is often diminished as the state is aggrandized. The more the social bond is extended, the more it is weakened; and, in general, a small state is proportionally stronger than a large one.

A thousand reasons demonstrate the truth of this maxim. In the first place, administration becomes more difficult at great distances, as a weight becomes heavier at the end of a long lever. * * * The same laws can not be suited to so many different provinces, which have different customs and different climates, and can not tolerate the same form of government. * * * The chiefs, overwhelmed with business, see nothing themselves; clerks rule the state. In a word, the measures that must be taken to maintain the general authority, which so many officers at a distance wish to evade or impose upon, absorb all the public attention; no regard for the welfare of the people remains, and scarcely any for their defense in time of need; and thus a body too huge for its constitution sinks and perishes, crushed by its own weight.

Mr. Jefferson, in his first inaugural address, summarized what he termed "the essential principles of our Government," and among the first of these he placed—

The support of the State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies.

It would be a very difficult task for each Member of Congress to so inform himself of the peculiar local conditions prevailing in the numerous manufacturing industries of each separate State, so that he could wisely determine what regulations were best for each. It would be necessary for him to take into consideration the different classes of people that he would have to regulate, the variations of climate, the economic condition of the working people, the different burdens incident to the manufacture of the various products of different manufacturing industries; in short, the different environments and requirements of each industrial plant in each State. This is not practical, and without it it would be unsafe to attempt it.

It would be as unreasonable for Congress to fix an absolute rule to govern the employees in every manufacturing plant in this Union, without regard to the different conditions that surround each, as to prescribe the minimum age below which a girl should not marry, to effect alike the tropical possessions of this country, and our most northern possessions. All will agree that, if Congress possessed this power, it would be necessary to take into consideration this different environment.

A different rule should apply as to age and hours of labor, both as to children and adults, in a bleak New England city, with its severe climate, where the employees of a cotton mill, mostly foreigners, live huddled together in overcrowded and poorly ventilated houses for nine months in the year, where the mill hand hurries from the mill to his home to escape the cold, from that which should apply in a rural village in the balmy Southland, where everyone moves slower, where the houses are far apart and well ventilated, and where there is abundant opportunity for fresh air and balmy sunshine while on duty, and where there is abundant opportunity for play and recreation in the open air when not on duty.

A different age and different hours of labor should prevail for a child who is engaged at a machine that requires a constant mental or physical strain from the time it enters the mill until the working day is over from those that should apply to a doffer in a fine yarn spinning mill in the South, where the work done during the day does not require constant work, and when not employed he is permitted to amuse himself as he pleases, with the one restriction that he must be within calling distance of the foreman, so that when the spools run empty he can be called to take them off and put another set on. As explained in the hearings had on this bill, this is in the main the work required of the younger help in a southern cotton mill.

Notwithstanding my high regard for the wisdom of the Representative from Colorado who makes the report on this bill for the Committee on Labor, who comes from a State that hardly knows what a cotton mill looks like, I can not think that he knows better the needs of the cotton-mill employees in North Carolina than does that splendid body of sincere, humane, and broad-minded men from every county of the State that compose our State legislature. The same observation is true of any other Member of this House who is not familiar with the difficulties, needs, and environments surrounding this growing industry in my State.

But you Members from the New England States who are not familiar with conditions in the South, and you who come from agricultural States who know nothing at first hand of cotton-mill industry, wonder why all this sentiment and prejudice has been created against the southern cotton mills.

The ninth congressional district in North Carolina, which I have the honor to represent, contains a number of well-equipped cotton mills. The men employed in them constitute a very considerable part of the population in at least 6 of the 10 counties in my district. I know them, and when I am down in the district I go among them, speak to them, and am very happy to claim them as my friends.

The industry is not an old one. I have watched its development almost from its beginning. The war left our people too poor to build such costly enterprises, but by the hardest work, by men, women, and children, without too great a care as to the number of hours they worked, and the closest economy, our people restocked their farms and reclaimed their waste lands. We had plenty of water power, and after a time, by the combined efforts of our people, enough money was gotten together to build a few small mills. There were no high-salaried men among them; the manager usually worked harder than the employees. Those who came to work in the mill were, in the main, the less fortunate in the community, who did not own land

and had to depend upon making a living by renting land; they were, however, the mill owner's old neighbors and friends with whom he grew up, who called him by his first name, visited him and his family on Sundays and in sickness, and received, in turn, the same kindly attention from him.

It is not necessary for me to tell you that there was a strong bond of friendship between them. The help went from the farm because they could better their condition; they stayed at the mill because they were satisfied. These small ventures proved successful and others were built; other families from the country found employment with them, and thus the industry has grown from this unpretentious beginning.

In the infancy of the industry the mills were not so well equipped, the homes for the employees were not so comfortable, and the same care was not taken of the help. Too often a kind-hearted superintendent yielded to the appeal of some widow with a house full of children, whose only hope to get on the pay roll was through her young children.

As these industries passed the experiment stage, the managers began to realize that their success depended largely upon efficient help and that it was the best policy to guard their health and comfort. I feel safe in asserting that the mills that have been built in my district during the last 10 years are as modern and sanitary in every particular as you can find in any district represented on the floor of the House, with every protection and comfort that has come into general use.

The employees are comfortably housed in healthy buildings. Usually the mill furnishes a large and comfortable hall that serves as a place of worship or for public entertainment. The mill owners were the pioneers in advocating compulsory education. This has nowhere been so effective as among the children in mill villages, for with them they can not now get in the mill until they have attended school for the required length of time each year. The mill owners are anxious that their help be educated and use every means to foster and promote education, in many cases to the extent of largely supplementing the funds provided for public schools.

With all these advantages that are not always accorded the child on the farm, who lives his secluded life, you will not be surprised to learn that the problem of the landowner in my district is to get enough help to run his farm.

But we have always had the agitator; we have, perhaps, not paid enough attention to him. My people are a practical people, and whether you credit them with doing it for the sake of humanity or because they found it a good policy for their business, they have, from year to year, steadily improved the conditions prevailing in the mill village until it is marvelous to me that there are still credulous people with maudlin sentiment enough to contribute their salaries to keep the agitator at his work. We know that as long as the salary is forthcoming the paid agitator will keep on agitating.

We know him and his methods as well as we know the cheap itinerant sewing machine agent. With a few cheap pictures taken of God's unfortunates somewhere and a sensational and slanderous report of awful conditions as he found them, he is fully armed to go forth and battle for humanity, knowing well that the moment he reports that conditions have changed he is out of a job and without the very desirable pay envelope.

Prof. Richard Karl Walker, in his publication, "The problem of the southern cotton mill," pays his respects to the representatives of the national child labor committee in the following language:

Of all those attacking the southern cotton manufacturer, the representatives of the national child labor committee are deserving of the severest censure. Their methods are vicious; their practices are pernicious; the work of their hands is in every sense destructive. With the grin of a sneak and a leer at the manufacturer, the paid agents of this organization turn to the public with a tale of woe and oppression, and, under cover of profuse protestations of interest in the welfare of the operative, they deliver an assassin's thrust at the builder and business of the South's greatest industry.

I know there are men on the national child labor committee who are honest and sincere; there are a lot of people outside of this committee also who believe they are serving God and humanity by fostering the paid agitators on the South. Against all these I have no harsh word to utter.

Did you ever hear of any of these organizations attempting to relieve suffering or in any way relieve against the dire want and poverty that they picture in the reports of conditions that prevail? Is it not strange that their sentiment, if not their judgment, has not suggested to them that they could help in other ways than by an agitation that would merely produce legislation? Did you ever hear of one of these paid agents who has the proof that laws of the States have been violated, in the form of a picture that bore no date to show its age or to indicate how long it had already done service, and nothing to indicate where it purports to have been taken, or who makes a

gruesome report of how the lifeblood is being sapped from the child, but fails to name the mill, the parent of the child, or in any way specify so that his falsehood could be exposed, going to the prosecuting officer of the district where such conditions exist, or, if need be, going before a grand jury of that jurisdiction and exposing the violations of law and ask the punishment?

Cotton manufacturing in North Carolina is mainly limited to certain sections. The larger part of the State is almost wholly agricultural. The judges who try such offenders come from the various judicial districts and are independent of any local influences. The vast majority composing the legislature of the State come from sections not affected by any local sentiment of the mills. All of these have the same burning desire to correct evils of every kind that burns in the heart of the sentimentalist. When these act officially, it is not heralded abroad by an agitator; when they do not act, it is because no sufficient evidence has been found to warrant action.

The cotton-mill industry mainly exists in the New England States and in the South, mainly North and South Carolina. The New England States already have labor laws that are held up to us as standards, and it is unreasonable to suppose that this legislation is aimed at them. It is fair to conclude, it seems to me, from a reading of the report and the hearings before the committee and from a review of the situation, that this bill is aimed largely at the South.

It is generally believed and freely talked among millmen and legislators of the South that much of the agitation against the southern cotton manufacturer is carried on at the instance of and with the support of some of the New England States. Why all this demand for a uniform law regulating labor unless it is simply the pretext by which they hope to foist upon the mills of the South the same labor laws and troubles that they experience in New England and thereby lessen competition with them.

On behalf of one of the noblest aggregations of good, plain, honest, and humane business men that ever graced a common enterprise in a State—to whom just credit will some day be given for the noble part they have played in the rebuilding of the South—the pioneer mill builders of the South, I want to thank the Committee on Labor for the scant compliment, which we feel must have been intended for us, when they stated that—

The evidence from cotton manufacturers indicate a gratifying attention to the welfare of their employees in other respects.

I can not but regret that the committee did not find the time to accept the offer of the southern millmen and go to the South at the expense of the millmen and get full and first-hand information for themselves. The southern millmen offered, in perfect good faith, to charter a car and give the committee every opportunity of knowing the truth. They realize that until they can dissipate the cloud that has been produced to obscure your vision they can hardly hope that you will have a clear understanding of the situation.

Since this bill has been pending in Congress I have received petitions from 1,780 employees from the mills in my district who oppose this legislation. All of these petitions were introduced by me and referred to the Committee on Labor. I regret that the committee brushed aside these petitions without giving them due consideration or weight.

The bill permits persons between 14 and 16 years to work during the daytime for only eight hours per day. Our people of all ages on farms and public works, in mills, stores, and offices have found it practical to work longer hours than this. If this bill passes, it will not be practical to utilize this privilege between the ages of 14 and 16 in cotton mills. The work of each machine in a well-equipped mill is so timed that if you stop any part of the machinery you cut off the material to be run through the next process, and if part of the help only works eight hours this measures the output of the mill. This would eliminate the work of children between the ages of 14 and 16 at any regular employment in the mills. This result has been demonstrated by the operation of such a law in the State of Kentucky, as shown by Mr. Clark in the hearings before the committee.

There is a bond of friendship between the managers and the help, and they work in harmony because each respects the rights of the other. The mill employees in my district are all white people, and are an independent class who can take care of themselves and would not be easily imposed upon by the managers of the mills.

It is to be regretted that there should ever be a dire necessity to labor, and especially by children, but this condition sometimes exists, and unfortunately those back of this bill have not suggested a remedy for it.

I believe there is a virtue to be derived from honest toil aside from the money return, that could never be developed through

idleness. There is no position in a cotton mill that requires an employee to sit fixed in one position under a mental or physical strain during the working day. I have already spoken of the lighter work and freedom accorded the younger employees in the mill. Did a paid agitator ever show you a group picture of the doffer boys, on the river bank stripped for a swim, during the time they were not needed in the performance of their daily work? Or a group of these boys and girls sitting out in the grove enjoying the open air and sunshine until they were again needed? These are familiar sights which might be photographed almost any summer day at a rural mill. What better place could be suggested for them than to permit them to go with their parent into the mill where they would receive oversight and care? Place yourself in the position of the father of a boy, who works in a mill, and tell me what he is to do with this boy between the ages of 12 and 16, when the school term is out. There is nothing else for him to do. He is far better off for having done light work with his father than to have loafed around the mill village learning bad habits and getting into mischief. A boy or girl that never acquires the habit of honest toil before they reach the age of 16, enters life under a serious handicap.

Our mill employees are against this bill because it prescribes an unreasonable restriction upon their inherent right to labor and because it would deprive them of the right to teach their children industry and have them help in a reasonable way to contribute toward the family expense.

Section 4, which provides for the agents and detectives, is not only unnecessary, but it is an unwarranted reflection upon the law-abiding mill men everywhere. The main thing that it would accomplish, in so far as the cotton mill of the South is concerned, would be to furnish employment for some self-styled moral censor, and an army of inquisitors, always spying and prying into these industries which give honest employment to thousands of needy people.

Section 2 of the bill is so harsh and unreasonable that I find it difficult to seriously discuss it. It provides: "Section 2. Proof of employment within 60 days prior to shipment of such product therefrom," of a child under the prohibitions of section 1, "shall be prima facie evidence that such product has been produced in whole or in part by the labor of such a child." This must be considered in connection with section 8, which says:

That in prosecutions under this act each shipment or delivery for shipment shall constitute a separate offense.

It is a matter of common knowledge that the southern cotton mills sell a part of their product in the markets of the State. In the manufacture of this there would be no law prohibiting the labor of a child of 12 years, while there was no term of their school, and yet his mere employment in the mill would be sufficient to make out a prima facie case, not for one shipment, but for every shipment in interstate commerce for more than two months thereafter. Ordinarily, we presume a person innocent until the State or Government proves him guilty, but in this case it is reversed and he is presumed guilty for perhaps a hundred different offenses, if he should happen to have made that number of shipments in interstate commerce within the following 60 days. The managers of a large mill would be absolutely unable to know whether they had a good defense or not if they attempted to live up to the privileges granted under the State law, and which were forbidden by the act of Congress. The enforcement of this bill would effectively destroy all rights on the part of the State to prescribe rules bearing upon the subject.

He would not be prosecuted in his local courts but must be dragged away to a Federal court for trial.

This rule of evidence would furnish a vigilant sneak an opportunity of harrasing a manufacturer past endurance, whether innocent or guilty, and invites the vengeance of any enemy it might have.

The fact that this law also applies to a "dealer" would give it the practical effect of requiring a guaranty to accompany every package sent out by the mill, whether sent within the State or beyond, for should it ever become the subject of interstate commerce the dealer who delivered it for shipment might then be convicted under the drastic provisions of this bill, and the only way he could feel safe would be to have the protection the guaranty would afford.

CONSTITUTIONALITY OF THE MEASURE.

I now come to a discussion of what seems to me to be the most serious matter involved—whether such legislation can be justified by any power granted to Congress by the Constitution.

If this power exists in Congress it must be found in what is known as the commerce clause of the Constitution, which confers upon Congress the right to regulate commerce with foreign nations, between the States, and with the Indian tribes. If it is not so delegated to Congress, then it is clear that by the

tenth amendment to the Federal Constitution it is reserved to the States.

It seems to me unfortunate that the Committee on Labor did not give greater consideration to the constitutionality of the measure before so earnestly and strongly recommending its passage. It is true that they concluded that the measure was within the power of Congress to enact, but this question seems, however, not to have received the grave consideration that a question of this importance should demand. I say this because of the attitude shown toward this question in the report. On page 13 they say they invited a full discussion of this phase of the proposed legislation, but following this they add:

Needless to say, however, your committee did this, not with a view to arrogate to themselves the duty of passing judgment upon a problem of constitutional law but rather with a view of provoking discussion and of informing themselves and Congress as to the general attitude upon this problem of experts familiar with the authorities and the trend of judicial thought.

In asking the House to seriously consider its constitutionality I am but asking you to follow the precedent set by your predecessors. This same constitutional question confronted the Members of the Fifty-ninth Congress. So zealous were they in the discharge of their sworn duty that, before they were willing to take up and consider the expediency of such legislation, they referred a resolution to the Committee on the Judiciary, asking them to advise the House as to the constitutionality of the measure. On that committee there were able lawyers, and through its chairman, Judge Jenkins, it unanimously reported to the House that—

The committee is of the opinion that Congress has no jurisdiction or authority over the subject of woman and child labor and has no authority to suppress any abuses of such labor or ameliorate conditions surrounding the employment of such labor.

This report reviews the authorities bearing upon the question and sets out very clearly the reasons that led the committee to its conclusion.

After carefully reviewing the authorities cited by Mr. KEATING and by Judge Jenkins and the recent decisions of the courts bearing upon the question, I have clearly reached the conclusion that the power to enact legislation here proposed is not conferred upon Congress by the Federal Constitution, but is reserved to the several States, and that it would be dangerous and unwise to attempt to give to the Constitution such a strained construction.

Chief Justice Fuller, in writing the opinion for the Supreme Court in the case of United States against E. C. Knight Co. (156 U. S., 1), says:

It is vital that the independence of the commercial power and of the police power and the delimitation between them, however sometimes perplexing, should always be recognized and observed, for while the one furnishes the strongest bond of union the other is essential to the preservation of the autonomy of the States as required by our dual form of Government; and acknowledged evils, however grave and urgent they may appear to be, had better be borne than the risk be run, in the effort to suppress them, of more serious consequences by resort to expedients of even doubtful constitutionality.

If our dual form of government is to last, it is necessary that we set a limit to what Mr. KEATING, in his report on the pending bill, calls "the broadening view of the power of Congress under the interstate-commerce clause."

In this day of world war we can read in almost any daily paper of how our very existence as a Nation is threatened by a fancied attack from some foreign enemy. Such a thing is awful to contemplate. We can console ourselves that such may never come. But unless we can adopt a safe limit, beyond which the power of the Federal Government, by strained construction of the commerce clause of the Constitution can not go, we shall have our dual form of government destroyed. Against it there is no consolation that a better Government may be formed.

We, as Members of Congress, are all inclined to stretch a power needed to accomplish what we strive for and desire, and especially when we feel we are doing it in behalf of a righteous cause, but by reaching out a little further each time we are gradually appropriating to ourselves the reserved power which originally and still belongs to the States. And when this absorption of power has become complete, this Government will no longer be a Nation made up of sovereign States but a Nation composed of taxing districts, which will inevitably fail.

By encroachment, we would throw away what Tocqueville considered "a great discovery in modern political science," and destroy the distinguishing feature of our Constitution, which Gladstone described as "the most wonderful work ever struck off at a given time by the brain and purpose of man."

If the Constitution had not prescribed the limits to our congressional power, it seems that such encroachment still would

not be a wise policy to pursue. Thomas Jefferson says, in his autobiography:

Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly, and which it can so much better do than a distant authority.

Mr. Lincoln said in his first inaugural address:

It is my duty and my oath to maintain inviolate the right of the States to order and control under the Constitution their own affairs by their own judgment exclusively. Such maintenance is essential for a preservation of that balance of power on which our institutions rest.

Senator Edmunds said in a debate in the Senate:

I believe that the safety of the Republic as a Nation—one people, one hope, one destiny—depends more largely upon the preservation of what are called the rights of the States than upon any one thing.

Senator Elihu Root, in his Princeton lectures upon the Constitution, delivered last year, declares that:

On the other hand, if the power of the Nation would override that of the States and usurp their functions, we should have this vast country, with its great population, inhabiting widely separated regions, differing in climate, in production, in industrial and social interests and ideas, governed in all its local affairs by one all-powerful central Government at Washington, imposing upon the home life and behavior of each community the opinions and ideas of propriety of distant majorities. Not only would this be intolerable and alien to the idea of free self-government, but it would be beyond the power of a central Government to do directly. Decentralization would be made necessary by the mass of Government business to be transacted, and so our separate localities would come to be governed by delegated authorities, by consuls authorized from Washington to execute the will of the great majority of the whole people. No one can doubt that this also would lead by its different routes to the separation of our Union. Preservation of our dual system of government, carefully restrained in each of its parts by the limitations of the Constitution, has made possible our growth in local self-government and national power in the past, and, so far as we can see, it is essential to the continuance of that Government in the future.

If Senator Root had sought to illustrate to the Princeton students just what he meant in this abstract discourse upon our Government, its dangers or tendencies, he could not have found one that so well illustrates the necessity of preserving to the States the powers that have been reserved to them by the Constitution, than the provisions of this bill we are now considering.

My contention is that the sole purpose of this bill is to regulate manufacture by prescribing the age and hours of labor of persons who are to be permitted to work in mines or factories, and that it bears within its terms and provisions evidence of its real purpose, and that a court can see, as can every Member of this House, that it is not for the purpose of regulating commerce between the States at all.

Mr. Justice Lamar said, in *Kidd v. Pierson* (126 U. S., p. 1):

No distinction is more popular to the common mind or more clearly expressed in economic and political literature than that between manufacture and commerce. Manufacture is transformation—the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incident thereto constitute commerce; and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation.

If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate, not only manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry. For is there one of them that does not contemplate, more or less clearly, an interstate or foreign market? Does not the wheat grower of the Northwest and the cotton planter of the South plant, cultivate, and harvest his crop with an eye on the prices at Liverpool, New York, and Chicago? The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multifarious, and vital interests—interests which in their nature are and must be local in all the details of their successful management.

It is not necessary to enlarge on, but also to suggest the impracticability of such a scheme, when we regard the multitudinous affairs involved and the almost infinite variety of their minute details.

Any movement toward the establishment of rules of production in this vast country, with its many different climates and opportunities, could only be at the sacrifice of the peculiar advantages of a large part of the localities in it, if not of every one of them. On the other hand, any movement toward the local, detailed, and incongruous legislation required by such interpretation would be about the widest possible departure from the declared object of the clause in question. Nor this alone. Even in the exercise of the power contended for, Congress would be confined to the regulation, not of certain branches of industry, however numerous, but to those instances in each and every branch where the producer contemplated an interstate market. These instances would be almost infinite, as we have seen; but still there would always remain the possibility, and often it would be the case, that the producer contemplated a domestic market. In that case the supervisory power must be executed by the State; and the innumerable trouble would be presented, that whether the one power or the other should exercise the authority in question would be determined not by any general or intelligent rule but by the secret and changeable intention of the producer in each and every act of production. A situation more paralyzing to the State governments and more productive of conflicts between the General Government and the States and less likely to have been what the framers of the Constitution intended it would be difficult to imagine.

This court has already decided that the fact that an article was manufactured for export to another State does not of itself make it an article of interstate commerce within the meaning of section 8,

article 1, of the Constitution, and that the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and belongs to commerce.

So we see that the decision of the United States Supreme Court, upholding the right of the State and denying this right to Congress, is a direct authority upon the question presented in this bill.

The case of *Adair against the United States* (208 U. S., 161) passes upon the right of Congress to make it a crime for a carrier engaged in interstate commerce to discharge an employee simply because of his membership in a labor organization. Mr. Justice Harlan, in delivering the opinion of the court, denying this right to Congress, said:

The general right to make a contract in relation to his business is part of the liberty of the individual protected by the fourteenth amendment of the Federal Constitution. (*Allgeyer v. Louisiana*, 165 U. S., 578.) Under that provision no State can deprive any person of life, liberty, or property without due process of law. The right to purchase or sell labor is part of the liberty protected by this amendment unless there are circumstances which exclude the right.

The opinion, then, recognizes the right of the State, through its police power to regulate these rights by fair, reasonable, and appropriate laws. This same opinion says:

Manifestly, any rule prescribed for the conduct of interstate commerce, in order to be within the competency of Congress under its power to regulate commerce among the States, must have some real or substantial relation to or connection with the commerce regulated. But what possible legal or logical connection is there between an employee's membership in a labor organization and the carrying on of interstate commerce? Such relation to a labor organization can not have, in itself and in the eye of the law, any bearing upon the commerce with which the employee is connected by his labor and services. If such a power exists in Congress, it is difficult to perceive why it might not, by absolute regulation, require interstate carriers, under penalties, to employ in the conduct of its interstate business only members of labor organizations or only those who are not members of such organizations—a power which could not be recognized as existing under the Constitution of the United States. No such rule of criminal liability as that to which we have referred can be regarded as, in any just sense, a regulation of interstate commerce. We need scarcely repeat what this court has more than once said, that the power to regulate interstate commerce, great and paramount as that power is, can not be exerted in violation of any fundamental right secured by other provisions of the Constitution. (*Gibbons v. Ogden*, 9 Wheat., 1, 196; *Lottery Case*, 188 U. S., 321, 353.)

It results, on the whole case, that the provision of the statute under which the defendant was convicted must be held to be repugnant to the fifth amendment and is not embraced by nor within the power of Congress to regulate interstate commerce, but under the guise of regulating interstate commerce and as applied to this case it arbitrarily sanctions an illegal invasion of the personal liberty as well as the right of property of the defendant *Adair*.

There is much more reason to contend that Congress can prescribe the qualifications of a man to be employed in handling interstate commerce, the very agency employed in the traffic, than there is to say that Congress can say who shall be employed in a mill or mine that makes a product that may find its way into interstate commerce.

Mr. Justice Bradley, delivering the opinion of the court in the case of *Coe against Errol* (116 U. S., 517, 525), says:

There must be a point of time when they (logs cut and hauled to a river town to be transported, interstate) cease to be governed by the domestic law and begin to be governed and protected by the national law of commercial regulation, and that moment seems to us to be a legitimate one for this purpose in which they commence their final movement from the State of their origin to that of their destination.

This appeals to our common sense, and if it be good law, then the earliest moment an act of Congress could get hold of and regulate a product from a mill or mine would be when that product has been delivered at the depot of the common carrier for transportation beyond the State. All right to say that the general health of the employees required that they be not allowed to work in a given enterprise before they reached a certain age, or before a certain hour of the day, would have nothing to do with commerce, and Congress could not regulate these. The last opinion quoted from continues:

It can not be denied that the power of a State to protect the lives, health, and property of its citizens, and to preserve good order and the public morals, "the power to govern men and things within the limits of its dominion," is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

To the same effect is the decision of *The Daniel Ball*, Tenth Wallace, 557, 565:

Whenever a commodity has begun to move as an article of trade from one State to another, commerce in that commodity between the States has commenced.

We are referred to certain cases in which the Supreme Court has upheld the law, which are regarded by the advocates of this bill as some authority for upholding the provisions of this bill. In all of these we can find a distinguishing feature that completely differentiates them from the provision of the one under consideration.

Every article that has been excluded from commerce by an act of Congress has been an article that was bad in itself,

immoral, or fraudulent. Such articles are spoken of in some of the opinions as outlawed. Justice Harlan described it in the lottery case as the kind of traffic which no one can be entitled to pursue as a matter of right.

In the case of lottery tickets it required interstate commerce to complete the gambling contract, and in this way commerce became a potent factor in promoting the gambling contracts.

In the pure-food cases the thing prohibited was bad, dangerous, and fraudulent; in the white-slave traffic act the subject of the traffic which was forbidden was the person of the woman for immoral purposes; but in the case presented here there is nothing inherently dangerous or bad in cotton yarn or cloth made by a person under the age limit prescribed or in violation of the hour limit named. It can have no harmful effect upon those to whom it is shipped. Mr. Justice Peckham, in *Schollenberger v. Pennsylvania* (171 U. S., p. 12), says:

The general rule to be deducted from the decisions of this court is that a lawful article can not be wholly excluded from importation into a State from another State where it was manufactured or grown.

Eminent authorities have, however, discussed the very question raised in this bill—the question as to whether Congress could prohibit the shipment in interstate commerce of goods made by child labor. Upon this subject ex-President Taft, in his work on Popular Government, has this to say:

Bills have been urged upon Congress to forbid interstate commerce in goods made by child labor. Such proposed legislation has failed chiefly because it was thought beyond the Federal power. The distinction between the power exercised in enacting the pure food and that which would have been necessary in the case of the child labor is that Congress in the former is only preventing interstate commerce from being a vehicle for conveyance of something which would be injurious to people at its destination, and it might properly decline to permit the use of interstate commerce for that detrimental result. In the latter case Congress would be using its regulative power of interstate commerce not to effect any result of interstate commerce. Articles made by child labor are presumably as good and useful as articles made by adults. The proposed law is to be enforced to discourage the making of articles by child labor in the State from which the articles were shipped. In other words, it seeks indirectly and by duress to compel the States to pass a certain kind of legislation that is completely within their discretion to enact or not. Child labor in the State of shipment has no legitimate or germane relation to the interstate commerce of which the goods thus made are to form a part, to its character, or to its effect. Such an attempt of Congress to use its power of regulating such commerce to suppress the use of child labor in the State of shipment would be a clear usurpation of that State's rights.

In *Watson on the Constitution* the subject is treated under the title, "Articles made by women and children, and transportation thereof," as follows:

Closely akin to the question of regulating manufacturing is the question whether Congress can forbid the hauling of a commodity, by a carrier of interstate commerce, which was manufactured in a State, for instance, by women or children under a certain age as has been recently maintained. This question is of far-reaching effect, and if such power exists in Congress it would result in the most complete invasion of the sovereignty of the States by the General Government which has ever been accomplished under the Federal Constitution.

The author then reviews at length the decision in *Kidd against Pearson*, *United States against Knight Co.*, the *Lottery Case*, and a number of others, and finally concludes:

There is no power in Congress to control the manufacture of goods in the States destined for interstate or foreign commerce, and consequently Congress is unable to control the labor of persons engaged in manufacturing products in the States which are intended for interstate or foreign business. Such regulations are left to the State. The power to make such regulations resided there before the Constitution was adopted or the Union was formed and it was not surrendered by the States to the General Government.

But why multiply authorities, all to the same effect? It has been boldly asserted that the report of the Committee on Labor, which recommends the passage of this bill, cites no precedent in the annals of Congress itself nor any authoritative deliverance from any judicial tribunal to sustain it.

Is it possible that this House will not take counsel of the great constitutional lawyers and statesmen of the past or present; that it will not be guided by the official and authoritative utterances of our highest judicial tribunal, whose duty it is to give the last and final interpretation to our Constitution?

If there are those in this House who do not feel a binding force in the limitations of power contained in the Constitution, I desire to call to their attention the words of Judge Cooley:

Legislators have their authority measured by the Constitution. They are chosen to do what it permits and nothing more, and they take solemn oath to obey and support it. When they disregard its provisions they usurp authority, abuse their trust, and violate the promise they have confirmed by an oath. To pass an act when they are in doubt whether it is not violating the Constitution is to treat as of no force the most imperative obligations any person can assume. A business agent who would deal in that manner with his principal's business would be treated as untrustworthy; a witness in court who would treat his oath thus lightly and affirm things concerning which he was in doubt would be held a criminal. Indeed, it is because the legislature has applied the judgment of its members to the question of its authority to pass the proposed law, and has only passed it after being satisfied of the authority, that the judiciary waive their own doubts and give it their support.

Section 4 of the bill, which provides for inspection of mills and mines if they ever produce articles for interstate commerce, is indefensible from the standpoint of its constitutionality. It does not even pretend to limit the inspection to the goods produced for interstate shipment; and, indeed, it would be impossible to distinguish between those for intrastate and those for interstate shipment during the course of their production. It attempts to override all the reserved rights of the States and to draw under its full inspection all such enterprises. What has already been said as to the unconstitutionality of the main feature of the bill applies with even greater force to this section.

I close by quoting the strong language used by Judge Jenkins in his report to the Fifty-ninth Congress, already referred to:

In fact, it is not a debatable question. It would be a reflection upon the intelligence of Congress to so legislate. It would be casting an unwelcome burden upon the Supreme Court to so legislate. The agitation of such legislation produces an uneasy feeling among the people and confuses the average mind as to the power of Congress and the power of the States. The lives, health, and property of the women and children engaged in labor is exclusively within the power of the States, originally and always belong to the States, not surrendered by them to Congress. Such is the emphatic language of the Supreme Court. If a question of good order or morals, it is the same. The argument has long since been made by others, and the committee can not add to it. The assertion of such power by Congress would destroy every vestige of State authority, obliterate State lines, nullify the great work of the framers of the Constitution, and leave the State governments mere matters of form, devoid of power, and ought to more than satisfy the fondest dreams of those favoring centralization of power.

I regard such attempted legislation by Congress as bad, considered from the standpoint of public policy, and when looked at from the standpoint of its constitutionality as a dangerous usurpation. Manufacture is no part of commerce. Then, how can the control of commerce by Congress give Congress control over manufacture.

The bill, in my opinion, is clearly unconstitutional, and I should regret to see the House pass such a void measure and thus set such a dangerous precedent.

Mr. KEATING. Mr. Chairman, on behalf of the chairman of the Committee on Labor I yield some time to the gentleman from Illinois [Mr. COPELEY].

Mr. COPELEY. Mr. Chairman, on June 17, 1913, I introduced the following bill:

A bill (H. R. 6146) to further regulate interstate and foreign commerce by prohibiting interstate transportation of the products of certain forms of child labor, and for other purposes.

Be it enacted, etc., That the labor of children in certain industries and under certain conditions hereinafter described is hereby defined as antisocial child labor, and that this act shall be known, referred to, and cited as the Federal child-labor act.

SEC. 2. That the employment of a child under 14 years of age in any mill, factory, cannery, workshop, manufacturing or mechanical establishment, or of a child under 16 years of age in any coal mine, coal breaker, coke oven, quarry, or in any establishment where poisonous or dangerous acids, gases, or dyes are used, manufactured, or packed, or in any establishment wherein the work done or materials or equipment handled are dangerous to the life and limb or injurious to the health or morals of such a child is hereby designated and defined as antisocial child labor and as detrimental to the general welfare and debasing to commerce.

SEC. 3. That it shall be the duty of the Secretary of Labor, within six months after the passage of this act, to classify and make public a list of such businesses or industries as are included within those described in section 2 of this act, together with a list of the products of such businesses or industries; and it shall be the duty of the Secretary of Labor to revise from time to time said public list as the changing character of industrial establishments or additional information received by the Secretary of Labor shall warrant and require.

SEC. 4. That any person, firm, or corporation which owns or operates a business or establishment designated in section 2 of this act and included within those businesses or industries listed by the Secretary of Labor as herein required, may make or cause to be made by his duly authorized agent an affidavit to the effect that no antisocial child labor is employed in his business or establishment, and that the products thereof are not produced with the aid of antisocial child labor. When such an affidavit in the form duly approved by the Secretary of Labor is filed with the Secretary of Labor, the Secretary of Labor shall issue a certificate to the maker of the said affidavit, or to the person, firm, or corporation in whose behalf said affidavit is made, giving authority to said person, firm, or corporation to stamp or label the goods and products of such business or establishment in the following manner: "Registered under the Federal child-labor act, Serial No. —." The serial number certified by the Secretary of Labor shall be the number given to the affidavit on file by virtue of which said certificate is made as herein provided.

SEC. 5. That six months from and after the passage of this act no carrier of interstate commerce shall knowingly accept for initial interstate transportation or knowingly transport initially in interstate commerce the goods or products of any business or establishment described in section 2 of this act and included within those businesses or industries listed by the Secretary of Labor as herein provided which have been made with the aid of antisocial child labor or have been made in any business or establishment in which antisocial child labor is employed; and no jobber, wholesaler, manufacturer, producer, or other dealer in such goods and products shall knowingly make initial shipment or knowingly offer for initial shipment in interstate commerce any such goods or products so made: *Provided, however,* That in case any such goods or products the interstate transportation whereof is hereby prohibited shall be presented for transportation and transported, stamped and labeled "Registered under the Federal child-labor act, Serial No. —," as provided in section 4 of this act, the carrier,

jobber, wholesaler, or other dealer in such goods or products, excepting the manufacturer or producer thereof, responsible for such interstate transportation shall be presumed to have been ignorant of the fact that such goods or products were of the character prohibited by this act.

SEC. 6. That within six months from and after passage of this act the Secretary of Labor shall examine the laws of the several States relating to the employment of child labor and give public notice and certify to the governor of each of the several States whether or not, in the opinion of the Secretary of Labor, the law of each particular State substantially prohibits and effectively prevents antisocial child labor as herein defined; and the Secretary of Labor shall from time to time make such revision of his certificate regarding the laws of the several States as the changes therein, or additional information by him received, shall warrant or require; and for the purposes of this act the judgment and decision of the Secretary of Labor as to whether the laws of a particular State substantially prohibit and effectively prevent antisocial child labor as herein defined shall be final. The provisions of this act prohibiting interstate transportation of the products of antisocial child labor as herein defined shall not apply either to the carrier of interstate commerce or to the manufacturer, producer, jobber, wholesaler, or other dealer offering for interstate transportation, or accepting for or transporting in interstate transportation, any initial shipment from a State certified by the Secretary of Labor as prohibiting and preventing antisocial child labor into any other State or Territory.

SEC. 7. That any officer or agent of any carrier of interstate commerce, or of any person, firm, corporation, or any other person who knowingly is a party to any violation of this act, or who knowingly violates any provision of this act, shall be punished for each offense by fine of not more than \$5,000 nor less than \$100, or by imprisonment for not more than one year, or by both said fine and imprisonment, in the discretion of the court. Any person making affidavit to the Secretary of Labor, as provided in section 3, and making a false statement in such affidavit, or any person stamping or labeling goods or products in the manner provided in section 4 of this act, without authority from the Secretary of Labor as provided in said section, shall be punished by fine not exceeding \$5,000 nor less than \$100, or by imprisonment not exceeding one year, or by both said fine and imprisonment, in the discretion of the court.

SEC. 8. That any person required, for the protection of a carrier of interstate commerce, to make a written statement as to whether or not goods or products are offered for initial shipment as herein defined, or have been produced with the aid of antisocial child labor, who knowingly makes a false statement in writing in response to such inquiry, shall be fined not exceeding \$5,000 nor less than \$100; and any carrier of interstate commerce is hereby empowered and permitted to refuse to accept for interstate transportation any goods or products regarding which the shipper refuses to make such written statement upon demand of said carrier.

SEC. 9. That the term "interstate transportation" as used in this act is hereby defined as all transportation which is a part of interstate commerce comprised within the term "commerce among the several States" as used in the Constitution of the United States. The term "business or establishment" as used in this act is hereby defined as any place where work is done for compensation of any sort. The word "person" as used in this act is hereby defined to include any individual, male or female, any partnership or other unincorporated or incorporated organization, or any municipality, public or private institution or organization. The masculine pronoun wherever used in this act shall include other genders, and the singular number shall include the plural. The term "goods or products" shall include any substance, article, or chattel of any kind made or produced or upon which or in connection with which any kind of work is done in any business or establishment as defined in this act. The term "initial shipment" or "initial transportation" or similar term as used in this act is hereby defined as the first shipment or transportation of goods or products in interstate transportation subsequent to their production or manufacture.

This was referred to the Committee on Interstate and Foreign Commerce. No hearings were ever held and it slept peacefully until the expiration by limitation of the Sixty-third Congress, when it carried this child-labor bill into oblivion.

On January 26, 1914, seven months and nine days after I introduced House bill 6146, Mr. A. Mitchell Palmer, a Democratic member of the Sixty-third Congress, introduced a bill of similar import (H. R. 12292). This bill was referred to the Committee on Labor; was reported out on August 13, 1914 (H. Rept. 1400); passed the House on February 15, 1915; was put on the Senate Calendar March 1, 1915; and it, too, died a peaceful death at the expiration by limitation of the Sixty-third Congress.

Mr. Palmer was a candidate for the United States Senate from the State of Pennsylvania when he introduced his bill, and it must be perfectly clear to every Member of Congress why his bill was reported out of the committee and mine was not. The Democratic managers thought it might help gain a Senator from Pennsylvania.

On December 6, 1915, the opening day of the Sixty-fourth Congress, I reintroduced the same bill, which was known as H. R. 6146 in the Sixty-third Congress. This time it was known as H. R. 666. This bill was again referred to the Interstate and Foreign Commerce Committee.

On January 7, 1916, one month and one day later, Mr. EDWARD KEATING, a Democratic Member from Colorado, introduced a bill of similar import, H. R. 8234, which was referred to the Committee on Labor. Again this committee took the bill under consideration and reported it to this House, with amendments, on January 17, 1916.

Again, it must be apparent to every student of practical politics why the bill which I introduced has not been taken up and the bill introduced by a Democratic Member, who will undoubtedly need help in the next election, was substituted for consideration, although it was introduced 32 days later.

But this question is of too great moment to the welfare of the people of this country to allow personal wishes to interfere with its progress. I am as heartily and as sincerely for this bill as though it were the exact measure which I introduced.

I am not going to appeal to your humanity. That has been done for more than a generation, and if the heart of any Member of Congress has not already been touched there is little hope that mere words will accomplish anything at this last moment. If the heartstrings are not already attuned, they probably never will be. I shall, therefore, address myself to two entirely different phases of the question; that is, to justice and to economics. We founded our great democracy on the principle that all men are created free and equal, but there is another self-evident truth which goes with it, viz, that all men should have an equal opportunity under our laws. Every man owes it to his fellow men banded together into organized society to work, to do something of value in life; and organized society is equally interested with himself that his strength shall be so conserved that his earning power at the end of life shall represent the maximum of possible achievement. Organized society presents most of the opportunities and is entitled to a considerable part of the wealth created by each individual. Wealth is not a bad thing in itself. Why, my old teacher in political economy, in describing the beginning of wealth, used this figure: "It probably had its origin when the ape hunting for his breakfast found two coconuts and could only eat one. With an instinct born of countless generations of experience he remembered that some morning he had been unable to find a coconut, so he ate one and hid the other against some future morning when he again might be hungry and again be unable to find anything to eat."

This was the beginning of wealth, and from that time until the present the fundamental idea of wealth has been that it is something that stands between humanity and want—between humanity and suffering. Following out this fundamental idea, it is one of the greatest blessings the world has ever known, and on this, as a foundation, the splendid and complex organization of society has been gradually builded as century after century has rolled around.

Wealth has never done any wrong. It is only when men have used it for purposes of oppression—for purposes of self-aggrandizement—that wealth has ever been anything but a blessing to the humblest member of organized society. The man who creates it is entitled to a large proportion of it, and its very creation presents an added bulwark between humanity and suffering, and so we are all interested in seeing that every man has a fair chance to produce the maximum amount during his lifetime.

The maximum earning power of a man is the largest amount which can be determined by multiplying the number of years of his usefulness by the product he can turn out per year, and that is a problem in which each individual is interested, and also in which organized society is interested.

Every Member here who represents a farming constituency feels instinctively that every farmer in his district knows that he must not put a harness on a colt until it has arrived at a certain point in its physical development—feels instinctively that if he does he impairs the general usefulness and value of the colt to himself, and the farmer who violates this simple rule is considered a downright idiot by his neighbors. If this is true with our domestic animals, how much more is it true of our future citizens. There are plenty of good men and women in this country who have spent their lives in making experts of themselves on this particular problem. They know that the child can not develop into its full strength and usefulness when put to work too early, and the ages of limitation of all these bills to which I have referred are practically developed from exactly the same source—the consensus of opinion of the great experts of this country who have spent their lives studying this one particular question.

I wonder if it has ever occurred to you what the real value of a child is to this country. Why, the wealth of the country is increasing at a rate of seven or eight billions of dollars a year. This has all been created—and future wealth will be created—by the natural resources of this country, combined with the work of our men and women, and so the mere dollars and cents value to organized society—to this country—of every child born, if he lives the natural course of life, will amount to several thousand dollars.

Why, in one part of our country, when labor was involuntary and men were chattels, they used to bring several hundred dollars apiece, simply representing what they could earn for the man who had the right to direct their labor and to take unto himself the fruits thereof, after paying for their keep. In those days men knew enough to treat the children of slaves well because of the economic loss in their possible earning power

if they were set to work so early; that the total earning of their lifetime would be diminished.

In fact, it was left for our free institutions, developed along individual lines and by a large number of different units, to violate this physical law when applied to free humans, which was then so obvious with slavery and is now so universally patent when applied to domestic animals.

Every soul has a "right to a place in the sun." Industry owes every man his life and his health. It can not guarantee it in specific terms, but from the standpoint of self-interest we must all see to it that we come as near as possible in guaranteeing to each individual not only his life and his health but his maximum earning power as well.

Most of the objections to this bill have come from people who say they believe in the principle but want the various States to exercise this particular function, each as best suits its own conditions. Why, you can not have uniformity with 48 different States legislating. We have not the same kind of laws for inheritance or the same kind of laws for marriage or divorce. We have not the same sort of laws governing aggregations of wealth banded together into corporations; and just as every incorporation seeks the States that are most liberal in their charters to corporations, so industry of certain kinds would naturally seek the States in which there is least trouble with laws governing child and female labor. A manufacturer in one State having enlightened laws on this subject could not compete with another in a State which is willing to weave the life-blood of children and women into its products. There can be no successful and intelligent regulation of child labor until the effort is nationalized in its scope and each State stands exactly on the same basis.

With the national law it would cost the manufacturers of one State just as much as it would those located in another State, and competition between them would be reduced to one of intelligence, application, industry—to the survival of the fittest. Then if we find our industries are going to suffer from foreign competition, where, perhaps, they are not as advanced in the conservation of children as we are, it is a very easy matter to preserve, at any rate, our own markets by assessing a tax in the form of an import duty against such products; but, as a matter of fact, we shall suffer no inconvenience of this sort, because every civilized nation on earth—and they are the only ones who could compete with us—is further advanced in this, the most important item of all schemes of conservation, than we are ourselves.

Mr. Chairman, the passage of this bill will mark the greatest stride toward real democracy that this country has ever taken since the first landing in Jamestown, and I hope the bill prevails and that it soon becomes a law of our land. It will insure a race of better producers. This means added wealth, better distributed, and more comfort and happiness for our people.

Mr. KEATING. Mr. Chairman, I would like to yield five minutes to the gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Chairman, when this bill reaches the five-minute rule I propose to offer amendments.

Mr. Chairman, I intend to vote for this bill to prevent interstate shipment of the products of child labor because I believe it helps to insure American youth in its inalienable right to health and education.

Education is the foundation of all real reform. The argument has been made that some of the social-betterment legislation, designed to protect children, must disturb the natural order of living. Some children, it is said, must work to keep themselves alive. It is a commentary upon the present order of things, however, that complete provision has not been made for all such cases.

The trouble with the old system, wherein employers were free to carry on their business by employing children, was to be found in the fact that the employment of the children frequently deprived their own adult male relatives of work. Because it was cheaper to employ the children, the fathers and adult brothers of the family sometimes found it difficult to procure employment.

I maintain that in passing laws to prevent the youth of America from being impaired, physically and mentally, we are merely providing aids to nature's own laws. This is not a radical movement, but on the contrary, it is sound and conservative. This reform should go a long way toward correcting evils at their very root, preserving the health and insuring the education of future generations, which, by reason of these constructive laws, will give the United States a higher standard of general intelligence, greater national vigor, and greater prosperity.

Forty-five State and territorial legislatures and the Congress of the United States in the year 1915 passed laws affecting

children. Even Alaska has forbidden the employment of boys under 16 years of age underground in mines. What we need now, however, is a uniform law which will do away with the inequalities, which will straighten out the situation wherein the canners of one State may employ children, where the canners of another, under the State law, can not. The fact that the manufacturers working under humane laws must compete with those still employing little children marks an inequality that places a premium upon social reaction.

Of all the States that have passed laws affecting children, Pennsylvania was the leader in 1915. We now have on our statute books the most advanced child-labor law in the Nation—a law which makes certain the education of such children as must work in order that they shall live.

In no other State will there be found a more advanced, yet practical, law for the protection of children. Our Pennsylvania law limits the employment of children between the ages of 14 and 16 to 51 hours a week, no child to be employed for more than 9 hours in any one day. The law provides that 8 of the 51 hours must be allowed for the education of the child so employed, and vocational schools are being provided for the education of these children who, unfortunately, must work to live.

This humane and practical law, giving the maximum of benefit to the child, was made possible by the experience and ability of the governor of Pennsylvania, Martin G. Brumbaugh, who had devoted 25 years of his life to the development and education of children. As superintendent of schools in Philadelphia, and previously in other eminent educational positions—for a time as the organizer of the school system of Porto Rico, to which task he was set by President McKinley—Dr. Brumbaugh studied the problem of conserving and developing the youth of the country, and when he became governor he went to work on a model child-labor law, which he finally induced the legislature to pass against the will of some of the prominent leaders of his own party.

The bill we are considering to-day should nationalize the movement for the conservation of the health of children and their education. It adopts the only possible method for putting the Government's veto upon the employment of children of tender age in mills, canneries, workshops, factories, and manufacturing establishments. It will prevent the employment of children under 14 years of age and limit the hours of children between 14 and 16 to eight hours a day and six days a week. This is as little as the Government can afford to do. My only regret is that Pennsylvania's new system of vocational education can not be worked into this law for the conservation of children; but I believe we are making a distinct movement forward, and my vote will be cast for the bill. [Applause.]

Mr. WATSON of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. South Carolina is one of the States referred to in the report of the majority as being without what is therein described as "standard provisions" in its labor laws. Under the child-labor law in the State of South Carolina, the employment of any child under the age of 12 is prohibited absolutely. In the employment of any child between the ages of 12 and 14, the owner or superintendent of a manufacturing establishment must require of the parent or guardian of the child a sworn statement as to the age and birthplace of the child seeking employment, which statement must be forwarded to the commissioner of commerce and industries, who is thereupon authorized to issue a permit of employment. The furnishing of a false statement as to the age of a child is made a misdemeanor, punishable by fine or imprisonment.

The employment of any child under the age of 16 between the hours of 8 p. m. and 6 a. m. in any factory is prohibited. There is also a prohibition against the employment of children in any factory in the various occupations set forth in the statute as being dangerous. Under the law permitting the employment of children between the ages of 12 and 15, where permission is secured from the commissioner of labor, there were employed in the cotton mills in South Carolina, according to a census taken by the factory inspectors in August, 1915, 2,562 children, which number is less than the number employed the previous year. Whatever may have been the attitude of mill owners in the past, it is undoubtedly true to-day that a great majority of them are of the opinion that the employment of children under 14 years of age, instead of being advantageous, is in fact injurious to the success of the mill.

I wish to discuss this measure, first, with reference to its constitutionality; second, as to the wisdom of enacting such legislation, even if it is constitutional; and, third, as to the necessity for such legislation by the National Legislature. I believe it is unconstitutional, unwise, and unnecessary.

I know that it has been argued that inasmuch as the ultimate decision as to the constitutionality of a measure must rest with the Supreme Court; that it is unnecessary for Congress to decide beyond all doubt that the measure is unconstitutional. But as has been very ably stated in the report of the minority, a Member of Congress is the first judge before whom such law is presented, and before he can act he must decide that he has a right to do what is proposed.

It was well said by Mr. Cooley in General Principles of Constitutional Law, second edition, page 160:

Legislators have their authority measured by the Constitution. They are chosen to do what it permits and nothing more, and they take solemn oaths to obey and support it. When they disregard its provisions they usurp authority, abuse their trust, and violate their promise they have confirmed by oath. To pass an act when they are in doubt whether they are not violating the Constitution is to treat as of no force the most imperative obligations any person can assume. A business agent who would deal in that manner with his principal's business would be treated as untrustworthy; a witness in court who would treat his oath thus lightly and affirm things concerning which he was in doubt would be held a criminal. Indeed, it is because the legislature has applied the judgment of its members to the question of its authority to pass the proposed law, and has only passed it after being satisfied of the authority, that the judiciary waive their own doubts and give it their support.

If a legislator decides to shirk his duty and refrain from considering the constitutionality of any law presented for his consideration, he can easily rid himself of a great responsibility, but his neglect is bound to result in injury to the public. The inevitable result of Congress enacting laws without giving careful consideration to their constitutionality would be to throw upon the Supreme Court the burden of declaring those laws unconstitutional, and inasmuch as the public would have a right to presume Members of Congress had discharged their solemn duty to consider the constitutionality of the laws enacted by them, they will soon come to regard the Supreme Court as an obstruction to all real progress and an enemy to the people, and give comfort and strength to those who have argued in favor of the recall of judges. I do not believe that any Member of this House, who, after giving to a measure the consideration he ought to give it, reaches the conclusion that it is unconstitutional, can excuse his voting for it.

I do not claim any superior knowledge as to the provisions of the Constitution nor any superior ability to interpret it, but from a most careful study of this question I am convinced that there is in the Constitution no power under which Congress can enact this bill into law, and I am, therefore, opposed to it. No matter what title may be placed on a bill, its purpose is to be ascertained from its provisions, and there is not one among the proponents of this bill who would dare to assert that it has any purpose other than to regulate the hours and ages of employees engaged in the manufacturing industries of the country. There is not one of them who will assert that Congress has any right to enact a bill directly regulating the hours of labor and the ages of employees, but this they seek to accomplish by prohibiting the shipment in interstate commerce of commodities manufactured under conditions of which they do not approve, basing their authority for this legislation upon the commerce clause of the Constitution. No advocate of this bill has ever been able to cite a single decision of the Supreme Court justifying the construction they place upon the commerce clause of the Constitution. In an effort to sustain their contention the majority of the committee reporting this bill referred to an argument by an attorney who cites in support of this legislation the decisions of the Supreme Court in the Lottery cases, Pure Food cases, and White Slave cases.

In the Pure Food cases Congress exercises the power of regulating commerce on the ground that the articles are injurious within themselves. Under the same principle diseased meat is excluded from commerce because it is not a legitimate article of commerce. Again, in the case of *Plumley v. Massachusetts* (165 Mass. 461), where the State of Massachusetts forbade the introduction of misbranded oleomargarine, Mr. Justice Harlan said:

No; that is fraud; that is the use of interstate commerce to perpetuate a fraud, and no man has a right to sell a thing under the pretense of its being something else, because it is not a merchantable commodity, obviously.

In the Lottery case, which is relied upon by the proponents of this bill to sustain their contention as to its constitutionality, you had a gambling contract, evil within itself, and which it was necessary to transport in interstate commerce in order to complete the contract. In the State from which the ticket was issued, gambling may be prohibited by law, but no law can prohibit a man from placing a ticket into the hands of an express company for shipment in interstate commerce into another State. The State is powerless to prevent that which is necessary to complete the contract, namely, the delivery of the ticket, and therefore it is powerless to prohibit the evil. But

it was necessary to use the facilities of interstate commerce to complete the transaction. An entire different question is presented here. The evil which this legislation seeks to correct is the employment of children in the production of goods in violation of what they believe to be the proper conditions under which children shall work. The evil, if it be an evil, is completed when the goods are completed by the children and has ceased to exist before the goods are offered for transportation and become a subject of interstate commerce.

In the White Slave case, the other case upon which the proponents particularly rely upon to support their contention, it is argued by them that the decision was based upon the right Congress has to enforce what it believes to be the proper standard of public morals by regulating interstate commerce. In the White Slave case the person was transported in interstate commerce for the purpose of engaging in immoral practices in another State, and the agency of interstate commerce was used for the purpose of inflicting immorality upon the people of another State. But surely there is a distinction between the right to deny the instrumentalities of interstate commerce to one who seeks to transport a woman into another State for immoral purposes, and the denial of the facilities of interstate commerce to cotton goods, innocent within themselves and incapable of doing injury to the health or the morals of the people in the State into which they go, solely because of some condition surrounding their production before they were offered for transportation.

As against the cases cited by the proponents of this bill there are many decisions of the Supreme Court specifically declaring that Congress can only exercise jurisdiction over articles after they become the subject of interstate commerce, and that any effort to control them or their production prior to that time is unconstitutional.

In the case of *In re Greene* (52 Fed., 113), the court stated:

When the commerce begins is determined not by the character of the commodity, nor by the intention of the owner to transfer it to another State for sale, nor by his preparation of it for transportation, but by its actual delivery to a common carrier for transportation or the actual commencement of its transfer to another State. At that time the power and regulating authority of the State ceases and that of Congress attaches. . . . Neither the production or manufacture of articles or commodities which constitute subjects of commerce and which are intended for trade and traffic with citizens of other States, nor the preparation for their transportation from the State where produced or manufactured prior to the commencement of the actual transfer or transmission thereof to another State, constitutes that interstate commerce which comes within the regulating power of Congress.

In the case of *Kidd v. Pierson* (128 U. S., p. 1), Justice Lamar said:

No distinction is more popular to the common mind or more clearly expressed in economic and political literature than that between manufacture and commerce. Manufacture is transformation—the fashioning of raw material into a change of form for use. The functions of commerce are different.

In the celebrated *Knight* case the Supreme Court made the statement:

Commerce begins where manufacture ends.

Quoting again from *Kidd v. Pierson*:

The functions of commerce are different. The buying and selling and transportation incident thereto constitute commerce, and the regulation of commerce in the constitutional sense embraces regulation at least of such transportation. If it be held that the term includes the regulation of all such manufactures as are intended to be subject to commercial transactions in the future, it is impossible to deny that it would also include all productive industries and contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the State, with the power to regulate not only manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every kind of human industry. For is there one of them that does not contemplate more or less clearly an interstate or foreign market? Does not the wheat grower of the Northwest or the cotton planter of the South plant, cultivate, and harvest his crop with his eye on the prices at Liverpool, New York, and Chicago? The power being invested in Congress and denied to the State, it would follow as an inevitable result that the duty would devolve upon Congress to regulate all of these delicate, multiform, and vital interests—interests which in their nature are and must be local in all the details of their successful management. The demands of such supervision would require not only uniform legislation generally applicable throughout the United States, but a swarm of statutes only locally applicable and utterly inconsistent. Any movement toward the establishment of rules of production in this vast country, with its many different climates and opportunities, would only be at the sacrifice of the peculiar advantages of the large part of the localities in it, if not of every one of them. On the other hand, any movement toward local detailed and incongruous legislation required by such interpretation would be about the widest possible departure from the declared objects of the clause in question.

A study of the cases decided by the Supreme Court construing the commerce clause of the Constitution will show that the Supreme Court has never sustained the right to exclude from interstate commerce a merchantable and pure commodity. That this power has always been exercised to exclude from interstate commerce articles injurious within themselves or injurious to those who receive them through the facilities of interstate commerce.

This view has always been entertained by this Congress. In 1907, when a bill similar to this was introduced by Senator Beveridge, a resolution was adopted by this House instructing the Judiciary Committee to investigate and report as to the authority of Congress to legislate over the subject of child labor. The chief law committee of the House, after careful consideration of the subject thus submitted to it, made a unanimous report, in which it was said:

The jurisdiction and authority of woman and child labor certainly falls under the police power of the States, and not under the commercial power of Congress. The suggestion contained in the resolution shows how rapidly we are drifting in thought from our constitutional moorings. Undoubtedly it is the earnest wish of all who desire the prosperity of the Nation that the proper line should always be drawn between the power of the States and the power of the Nation. Certainly there is no warrant in the Constitution for the thought or suggestion that Congress can exercise jurisdiction and authority over the subject of woman and child labor. If those performing such labor are abused and conditions are such that the same should be improved it rests for the State to act. The failure of the States to act will not justify unconstitutional action by Congress.

Unquestionably Congress has the power to investigate conditions, ascertain facts, and report upon any subject. In the opinion of your committee, there is no question as to the entire want of power on the part of Congress to exercise jurisdiction and authority over the subject of woman and child labor.

In fact, it is not a debatable question. It would be a reflection upon the intelligence of Congress to so legislate. It would be casting an unwelcome burden upon the Supreme Court to legislate. The agitation of such legislation produces an uneasy feeling among the people and confuses the average mind as to the power of Congress and as to the power of the States. "The lives, health, and property of the women and children engaged in labor is exclusively within the power of the States, originally and always belonging to the States, not surrendered by them to Congress." Such is the emphatic language of the Supreme Court. If a question of good order and morals, it is the same. The argument has long since been made by others, and the committee can not add to it. The assertion of such power by Congress would destroy every vestige of State authority, obliterate State lines, nullify the great work of the framers of the Constitution, and leave the State governments mere matters of form, devoid of power, and ought to more than satisfy the fondest dreams of those favoring centralization of power.

It is said that the provisions of this proposed law are copied from the labor laws of Massachusetts. The Republicans of Massachusetts believe in the national child-labor law, and so declared in the platform adopted by them in their State convention last fall. But though Massachusetts has never been charged with being overzealous as to the maintenance of the rights of a State, and the Republican Party has not boasted of this as one of its principles, yet we find that in their platform they express their realization of the fact that Congress has no power under the Constitution as it now exists to enact a law regulating either the hours of labor or employment of women and children, and they therefore solemnly declared in their platform:

We believe the Federal Constitution should be amended and necessary legislation enacted to secure a national corporation law, national regulation of the hours of labor and the employment of women and children, and national divorce laws. Employers of other States should accord the same privileges and protection to their employees and assume the same duties as their competing employers in Massachusetts.

Upon that platform former Representative McCall was elected governor; and, from what I know of him as a legislator, I do not believe that he would have approved of a platform that declared for national legislation on the subjects mentioned without first amending the Constitution. In view of their solemn declaration in favor of the amendment of the Constitution in order to secure this law, I am anxious to know what attitude the Republican Members of the House from the State of Massachusetts, elected upon this platform, will assume toward this legislation.

In this connection it is seen that in Massachusetts it is realized that Congress has no more right to regulate labor conditions in the States than it has to regulate the divorce laws of the States. The divorce evil is a national one; and if Congress has the power to regulate the evil of child labor within the States, it also has the right to regulate the divorce evil within the States. South Carolina is the only State in the Union having no divorce law. Because of the existence of this national evil, has Congress the power to say, for the protection of the people of South Carolina, who do not believe in the granting of divorces, that no person can be transported in interstate commerce who has been divorced or who has been divorced upon some ground not recognized as legal in the majority of the States of the Union?

Having quoted from the Republican platform of Massachusetts, may I not quote from the platform of the last national convention of the Democratic Party the following:

We denounce as usurpation the efforts of our opponents to deprive the States of any of the rights reserved to them and to enlarge and to magnify by indirection the power of the Federal Government.

But even if be admitted that this bill is constitutional, is it wise to establish this precedent? Will it not open the door for legislation seeking to establish uniform conditions in all the industries of the country? In fact, one of the arguments made in favor of this bill is that the manufacturing industries of one State should not be allowed to use the labor of children under

14 because it is cheaper, and therefore unfair competition. If this logic is to be accepted, it means that Congress is to endeavor to establish uniform conditions in the production of goods, something that is absolutely impossible because of the varying conditions existing in the different sections of the country. But if Congress is to attempt it, it would not stop merely at the labor of children, for there its work would but commence. It would go on and do that which is argued in the Republican platform in Massachusetts, namely, provide uniform hours of labor for all the industries of the country; a minimum wage for all workers in like occupations in the country; regulate the freight rates so as to equalize them in all sections, and, to make it entirely uniform, provide also for uniform climatic conditions. If Congress can deny cotton goods the facilities of commerce because of some conditions surrounding their production, then it can regulate all. Congress could say that goods can not be shipped in interstate commerce if in the mill in which they are manufactured there is any segregation of the races or discrimination against any race.

Again, will we not have in the next Congress an effort to amend it so as to cause it to apply to the cultivation as well as to the manufacture of products? That this is not far-fetched is evident from the hearings before the committee in the last Congress when Miss Lathrop, the head of the Children's Bureau, informed the committee that children were exploited upon the farms of the South as well as in the mills.

If you believe the bill constitutional and believe also that it would establish no dangerous precedent, can you yet say that the evil is one demanding Federal legislation? The majority report shows the great progress made during the last 10 years by all the States in the improvement of labor laws regulating the employment of children. Is it not wiser to allow the States to continue their progress instead of taking from them this right they have always exercised of regulating labor conditions?

Legislation is of value only in proportion to the information of conditions upon which it is based and the intelligence applied to those conditions in framing legislation. What does the Representative from Maine or Minnesota know of the labor conditions in South Carolina? The enactment of this law would make it necessary for every Member to acquaint himself with conditions in every State in the country if he is to intelligently legislate as to local matters in other States.

I am not in favor of the oppression of children. In my own State, in the only speech I have made on the subject, I declared my belief that South Carolina should increase the age limit from 12 to 14, and in the legislature now in session such a bill is pending. If it is not passed at this session, it will be at some future session. I do not favor, however, the adoption even by the State legislature of the provision limiting the hours of labor of children between 14 and 16 to 8 hours a day, because I know that the mills could not work part of their force 8 hours and another part for 10 hours a day, and the result would be that every child under 16 would be put out of a job. This may mean nothing to gentlemen who have never known poverty, but to the widow whose son of 15 is her only support, the fact that that son loses his means of making a support for himself and for her is quite a serious matter. Why, if that provision had extended to law offices when I was a boy of 15 I would have been prevented from working, because I worked not 8 but often 10 and 12 hours a day, and my employment was absolutely necessary. I believe the progress in this matter should be gradual and there should be no immediate increase from 12 to 16 years.

From whom does the demand for this legislation come? Though I know the great majority of the operatives in the cotton mills in my county I have never had one of them urge me to support it. I have received a petition against its passage and seen many petitions from cotton-mill operatives in the State. There is no such thing as coercing our cotton-mill operatives into opposing something they want. If any boss attempted to influence the operatives in my county in a matter of that kind, they would not hesitate to tell me about it. The truth is that in South Carolina the operatives constitute 38 per cent of the voting population and hold the balance of power in the State. Whenever they want a change in the child-labor law and so inform the Legislature of South Carolina, the legislature will grant it because of their political power. They know their power, and I believe their lack of interest in this legislation is due to the fact that they are unwilling to transfer the right to regulate labor from the State legislature, whose membership is acquainted with local conditions, to Congress, whose membership know nothing of local conditions.

If I believed this legislation was to the best interest of the cotton-mill operatives of the South, I would vote for it, because they have always been my friends. But I believe it against

their interest. I believe it will cause many boys of 15 to be thrown out of employment and, in the absence of any law compelling them to go to school, force them to loaf upon the streets and grow up in ignorance of any trade and with no education other than the undesirable one received by the average boy who becomes a loafer. And the worst feature of it is that the Government that assumes this power to legislate in such manner as will, in my opinion, force a boy of 15 out of employment can and will make no provision for his education or for the support of a mother or younger brothers and sisters in cases where they are dependent upon the boy's labor for support.

Mr. KEATING. Mr. Chairman, how do we stand in the matter of time?

The CHAIRMAN. The gentleman from Colorado has 30 minutes and the opposition has 35 minutes.

Mr. WATSON of Virginia. Mr. Chairman, I yield 10 minutes of my time to the gentleman from North Carolina [Mr. BARR].

Mr. BRITT. Mr. Chairman, I am constrained to vote against this bill, and yet I have anxiously sought to bring myself to its support, for I am the friend of every man and woman and child that toils, and all my life long have I made common battle with them for higher wages, shorter hours, safer working berths, more sanitary surroundings, and better general conditions. But in all reform legislation two things are fundamentally necessary—first, the power to act; and, second, the pursuit of a wise policy.

In my sincere judgment, this bill is not only utterly without constitutional warrant, but I believe it would signally fail of any helpful results to the working children of the country. I have pondered every line of it over and over again, with the result that I always come back to the two same irresistible conclusions, namely, that this Congress is without constitutional authority to pass it, and that the purposes of its distinguished author, high and patriotic as I know them to be, can only be lawfully accomplished by the proper exercise of legislative powers reserved by the Constitution to the several States. It is our duty here to take into account the constitutional validity of legislation, and not recklessly pass bills of doubtful authority and refer them to the courts for decision. For myself, if I should vote for this bill, with my oath of office still warm on my lips, I should not only do violence to my conscience, but I should recklessly disregard what I understand to be the limitations which the Constitution has imposed upon this Congress.

I am not the special guardian of State rights. I am not only a Republican, I am a good deal of a Hamiltonian. And yet, with all my liberal views toward the Federal powers, I am constrained to say that if a horde of United States officers, armed with unlimited authority, on the Government pay rolls, can go into the heart of my State, enter one of our factories, take charge of its products, and, possessed of every power of inquiry, demand to know by whom these products were made, how old were the makers, whether they were male or female, and arbitrarily say whether such articles should or should not be removed, then the States will have disappeared overnight, and all hope of preserving the historical balance between the States and the Nation will have vanished like an evanescent dream. [Applause.]

But, pray, do not misunderstand me. I heartily favor just and proper child-labor laws. But the States are the only competent authority to make them. The conditions are strikingly diverse in the several States and even in different parts of the same State. No general law can possibly be made to apply to all the various conditions. The kinds of work are different, the customs of the people are unlike, the situation is always a local one, and it is the peculiar province of the States to provide for it.

In my district there are nearly a score of great cotton mills in which thousands of men, women, and children are employed. These mills are owned and operated by big-hearted and generous men, and the relations between them and their employees are excellent, and hundreds of these workers have petitioned me to vote against this bill. Here the employers have provided for their employees free Young Men's Christian Association halls, assembly rooms, music bands, and, in some instances, schools for their children, and our State laws prohibit the employment of children so as not to prevent them from attending the public schools.

The law of life for the child is combined work, study, and play, and the chief of these is work, for, if rightly planned and properly conducted, it can be made to combine the other two. And, too, the surroundings should be clean, moral, and sanitary. But no child is ever injured by reasonable work, under proper conditions. Work is the first law of our being. The child should be taught to know it, to respect it, to do it.

I thank God that I was compelled to go to work when I was but 9 years old. It was rather tough on the boy, but it was the lot of thousands of our southern boys whose early childhood marked the period when the South was emerging from the wreck and desolation of the great war. That experience I prize as my best life lesson, for it, more than anything else, has enabled me to see and to know and to feel the rights and duties of both myself and others.

Mr. Chairman, with all my heart and with all my soul I favor conserving, protecting, and safe-guarding the child, but once more let me say that it ought to be done by the States, for they and they only can do it effectually and without disturbing that happy balance between the States and the Nation upon which our Government with all its untold blessings has rested for more than six score years. [Applause.]

Mr. KEATING. Mr. Chairman, I would like to yield to myself six minutes.

The CHAIRMAN (Mr. HARRISON). The gentleman from Colorado is recognized for six minutes.

Mr. KEATING. Mr. Chairman, the pending legislation strikes at a great evil—the employment of children in mines, quarries, factories, mills, and canneries—and it seeks to exclude such products from the channels of interstate commerce.

If this bill is passed, the effect will be to make the Federal Government say to the various States, "If you see fit, within your own borders you may tolerate this immoral, this pestilential thing, child labor; but you shall not spread the contagion." [Applause.]

Gentlemen tell you that we are trying to regulate the method of production within the States. No such thing is sought by this bill. North Carolina may continue, if it sees fit, to weave the bodies and souls of its children into the cloth produced in its cotton mills, but it can not exchange that cloth for the gold of citizens in other States that have more consideration for their little ones. [Applause.]

North Carolina does not want this legislation. The supporters of child labor, the men who are profiting from child labor, do not want this legislation. Why? Because it will be effective legislation. They do not want this bill, because they realize that this bill has teeth in it, and that when it is placed on the statute books child labor will end in North Carolina and every other State of the Union.

I want to congratulate my friend from North Carolina [Mr. WEBB], the chairman of the Committee on the Judiciary, that he has swept aside that false pretense that this bill is aimed at the South. We have had Members talking that way for weeks, saying that we were striking at the industries of the South. We are not. We are striking at every man in the United States who seeks to make money out of the employment of child labor. [Applause.]

But, my friends, there is a particular reason why North Carolina is opposed to this bill. During the hearings had before the Committee on Labor and the child-labor subcommittee the cotton-mill manufacturers placed a number of witnesses on the stand, and their star witness was Mr. David Clark, editor of the Southern Textile Bulletin, of Charlotte, N. C. We asked him if they had any factory inspection in North Carolina, and he said they had not. We asked him why they had no factory inspection, and Mr. Clark, the spokesman of these cotton manufacturers, their star witness, said:

The gentlemen here to-day, the cotton-mill owners, do not favor it. Some people favor Government inspection and some do not. Personally I do not, because it is largely a grafting proposition.

Mr. London, the gentleman from New York, then asked him—

What do you mean by a grafting proposition?

Mr. CLARK. I am not prepared to give you the facts, but my understanding is that if you pay you get a clean bill of health.

Mr. LONDON. You believe your mill owners would resort to corruption in order to escape a fair inspection?

Mr. CLARK. Not more than any others; not more than was necessary.

That is why they are opposed to this. They may be able to dodge State inspection. They may be able to prevent the enactment of State inspection. But they know, gentlemen, that if this bill is placed on the statute books there will be Federal inspection, and that the little children will come out of the mills in North Carolina and out of every other manufacturing establishment in the United States.

Mr. Chairman, I only wish I had the time to continue, but so many Members on the floor are anxious to discuss this bill that I shall not take up further time, but will ask the consent of the House to extend and revise my remarks in the Record.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. The time of the gentleman from Colorado has expired. The gentleman from Virginia [Mr. WATSON] is recognized.

Mr. WATSON of Virginia. Mr. Chairman, I yield 10 minutes of my time to the gentleman from North Carolina [Mr. PAGE].

The CHAIRMAN. The gentleman from North Carolina [Mr. PAGE] is recognized for 10 minutes.

Mr. PAGE of North Carolina. Mr. Chairman, to my mind the saddest tragedy connected with the human race is poverty. It is one of the most universal things that we come in contact with in human life. It is as widespread as humanity, and it will last, if we believe Holy Writ, as long as time lasts. And yet one of the things growing out of poverty that has been, in my judgment, of the greatest value to the human race is the absolute necessity of toil.

I have been impressed this morning in listening to gentlemen discussing this question, with the remarks of the chairman of the committee reporting this bill, Mr. LEWIS, of Maryland, in advocating the legislation that is contained in it. He stood in this presence and made the declaration that he—robust in body, robust in intellect beyond the average of men—began his life of toil in a mine when 9 years of age.

I am not here to defend the working of small children. I am not here to say that I favor the placing of onerous burdens upon the weak and the young. But I am here representing in part a State in this Union that has not seen fit to place a premium upon idleness by passing laws that would prohibit from performing labor all children under 14 years of age. I do not say that I personally would not favor—and I do favor—and I have advocated in my own State—legislation that would make the minimum age for labor in certain employments 14 years, as is provided by this bill. But I undertake to say that no State in the Union, however drastic may be the law against child labor, but makes provision in that law for unusual and exceptional cases. This legislation is as hard and fast and as fixed as the laws of the Medes and Persians. If applied in the District of Columbia half of the newsboys would be deprived of earning the small sum that bridges the gulf between hunger and misery and a full stomach and happiness, coupled with the hope of future independence. In one county of my congressional district there are hundreds of small, portable canneries utilizing the blackberry crop, in most instances, if not universally, operated by the mother of the family and her children, bringing to the family revenue in each individual case an amount small of itself but in the aggregate thousands of dollars. The proponents of this legislation would deprive the family of the services of the 12-year-old boy or the 13-year-old girl, and deprive them of the opportunity to contribute their mite to the betterment of the family or deny them the market for their product outside the State. These are, unquestionably, canneries within the meaning of the bill.

I am not a lawyer. I am not here to argue the questions of law involved in this bill. I leave that to gentlemen who are learned in the law. But I do make bold to make the declaration that if any man, lawyer or layman, who possesses a knowledge of the English language and the construction of the courts in the past, will take the able minority report that has been filed by the distinguished gentleman from Virginia, Judge WATSON, and his colleagues and read it this bill would be defeated by an overwhelming majority in this House. Being a layman I have some respect for the opinion of courts and great lawyers, believing with Judge Cooley that—

Legislators have their authority measured by the Constitution. They are chosen to do what it permits, and nothing more, and they take solemn oaths to obey and support it. When they disregard its provisions they usurp authority, abuse their trust, and violate the promise they have confirmed by an oath. To pass an act when they are in doubt whether it is not violating the Constitution is to treat as of no force the most imperative obligations any person can assume. A business agent who would deal in that manner with his principal's business would be treated as untrustworthy; a witness in court who would treat his oath thus lightly and affirm things concerning which he was in doubt would be held a criminal. Indeed, it is because the legislature has applied the judgment of its members to the question of its authority to pass the proposed law, and has only passed it after being satisfied of the authority, that the judiciary waive their own doubts and give it their support.

Having regard for my oath of office, I prefer the opinion of the 18 eminent lawyers who composed the Judiciary Committee of this House during the Fifty-ninth Congress, to whom this precise question was submitted by resolution of the House. This committee, composed of great lawyers, after reviewing all the authorities upon this, a question of law, said:

The jurisdiction and authority over the subject of woman and child labor certainly falls under the police power of the States and not under the commercial power of Congress. The suggestion contained in the resolution shows how rapidly we are drifting in thought from our constitutional moorings. Undoubtedly it is the earnest wish of all who desire the prosperity of the Nation that the proper line should

always be drawn between the power of the States and the power of the Nation. Certainly there is no warrant in the Constitution for the thought or suggestion that Congress can exercise jurisdiction and authority over the subject of woman and child labor. If those performing such labor are abused, and conditions are such that the same should be improved, it rests for the State to act. The failure of the States to act will not justify unconstitutional action by Congress.

Unquestionably Congress has the power to investigate conditions, ascertain facts, and report upon any subject. In the opinion of your committee there is no question as to the entire want of power on the part of Congress to exercise jurisdiction and authority over the subject of woman and child labor.

In fact, it is not a debatable question. It would be a reflection upon the intelligence of Congress to so legislate. It would be casting an unwelcome burden upon the Supreme Court to so legislate. The agitation of such legislation produces an uneasy feeling among the people and confuses the average mind as to the power of Congress and the power of the States. "The lives, health, and property of the women and children engaged in labor is exclusively within the power of the States, originally and always belonging to the States, not surrendered by them to Congress." Such is the emphatic language of the Supreme Court. If a question of good order and morals, it is the same. The argument has long since been made by others, and the committee can not add to it. The assertion of such power by Congress would destroy every vestige of State authority, obliterate State lines, nullify the great work of the framers of the Constitution, and leave the State governments mere matters of form, devoid of power, and ought to more than satisfy the fondest dreams of those favoring centralization of power.

I prefer to follow the judgment of such men as John J. Jenkins, then chairman of the Judiciary Committee; RICHARD WAYNE PARKER, still a distinguished Member of this body; Charles E. Littlefield; David A. De Armond; William G. Brantley; and the others who made the above report, than that of the members of the Committee on Labor of the present Congress, who reported and are urging the passage of the bill now under consideration.

I prefer to accept the opinion of that eminent jurist, ex-President William Howard Taft, who in a recent law lecture said:

Bills have been urged upon Congress to forbid interstate commerce in goods made by child labor. Such proposed legislation has failed chiefly because it was thought beyond the Federal power. The distinction between the power exercised in enacting the pure-food bill and that which would have been necessary in the case of the child-labor bill is that Congress in the former is only preventing interstate commerce from being a vehicle for conveyance of something which would be injurious to people at its destination, and it might properly decline to permit the use of interstate commerce for that detrimental result. In the latter case Congress would be using its regulative power of interstate commerce not to effect any result of interstate commerce. Articles made by child labor are presumably as good and useful as articles made by adults. The proposed law is to be enforced to discourage the making of articles by child labor in the State from which the articles were shipped. In other words, it seeks indirectly and by duress to compel the States to pass a certain kind of legislation that is completely within their discretion to enact or not. Child labor in the State of the shipment has no legitimate or germane relation to the interstate commerce of which the goods thus made are to form a part, to its character, or to its effect. Such an attempt of Congress to use its power of regulating such commerce to suppress the use of child labor in the State of shipment would be a clear usurpation of that State's rights. (Popular Government, pp. 142, 143.)

The great trouble in legislating and in passing legislation here—one of the great troubles of which we are all, I will not say guilty, but forced to yield to by circumstances—is our engagement with matters specially committed to us. We do not have time to investigate everything, and we therefore follow the committees. Without any reflection upon anybody, I assert that because of lack of time probably not one-fifth of the membership have taken the time to investigate the legal questions that are involved in this legislation.

Gentlemen, we have gone far in a very few years in the direction of State socialism. As my colleague [Mr. WEBB] stated here this morning, only eight years ago this question was submitted to the Judiciary Committee of this House, which brought in a unanimous report—and there are gentlemen who are still Members of this House who participated in the making of that report—in which they denied the right of Congress to regulate the hours of labor and the age of laborers within a State. We are going at a very rapid rate. My mind goes back to the past. In the section of country in which I lived in my childhood, just after the Civil War, the poverty was very much greater than it is now and the necessity for labor was greater. I know the conditions that existed then. As my mind runs back I am amazed that this country of ours should have spent its millions of gold and its thousands of human lives in a devastating war, from which the section of our country from which I come has taken half a century to begin to recover. I am amazed that it should have settled the question of slavery by blood, by war, and by death, when, if this legislation is within the power of the Congress of the United States, a simple legislative act, merely saying that no product produced by slave labor should enter into interstate commerce, would have settled the question and have freed every slave in America. Not a drop of blood need have been shed if this legislation is possible to-day under our laws.

Mr. Chairman, this is the culmination of an agitation that has gone on for a number of years. I venture the assertion

that in all the spasm of muckraking and misrepresentation that has been carried on by sundry organizations and publications during the past 10 years, no greater slanders or misrepresentations have been made of any people on earth, with the possible exception of the population of the southern mountain section, than of the cotton-mill operatives of the South, particularly of those in the States of North and South Carolina. These false and misleading statements have been in some instances made by people who never saw a southern cotton mill, and therefore knew absolutely nothing about it, or by paid emissaries whose salary depended upon making a case. We have had lobby investigations relating to other legislation that has been pending in Congress and investigations as to the means that were used by the paid representatives of interested parties to bring about certain results. I do not charge that these influences have reached any men upon this floor, but I do say that there are gentlemen within the sound of my voice who, if this legislation should become a law, would have to go back to the earning of an honest living, and at a very much less wage than they are getting out of this agitation, or receive appointment from the Department of Labor as an inspector to enforce its provisions. It is that agitation which has brought this before the American Congress. My friend the gentleman from Colorado [Mr. KEATING] stands here and speaks of my State weaving into its cloth the lives and blood and morals of its children. I say to him and I say to the membership of this House that there is no higher standard of morals or Americanism on this continent than there is in North Carolina. [Applause.] I invite him or any other Member of this House to go to the village in which I live, where there is a cotton mill operating—I ask him to go and view those conditions, the conditions of those children who by compulsion are in the schools nine months in the year, and to view the condition of sanitation—

Mr. KEATING. Will the gentleman yield?

Mr. PAGE of North Carolina. No; I have not the time. I invite gentlemen to view the conditions of labor and every other condition contributing to the making of men and women out of these children, and compare those conditions with those which exist at any place in his own State, and I will stand the comparison, even by his own judgment.

Mr. Chairman, there is more sentimentality than there is sense in the proposition to legislate in this way. [Applause.] I repeat again that if the membership of this House, distinguished gentlemen as all of them are, with their hearts in the proper place—and the great trouble is that their hearts have been appealed to until their judgment in many instances is biased—if they will take the facts as they can see them at first hand, they will be convinced of the correctness of what I say. This great committee was invited to go into the cotton-mill districts of the South, not at their own expense or at the expense of the contingent fund of the House, but at the expense of gentlemen who wanted to teach them something—they were invited to go and see for themselves whether or not we were weaving into the cloth made in our State the blood and the morals and the lives of little children, and they did not go. They seem not to want to know the truth. If they had gone, they would have been personally convinced. If we are ready to embark upon State socialism, then pass this legislation. If you are ready, gentlemen on that side and on this side, that the strong arm of the Federal Government may take over the activities of all the people in your States and to disband your State legislatures and your own internal governments, then you have the opportunity, by voting for this bill. To escape the sentence pronounced upon the first offending couple: "In the sweat of thy brow shalt thou eat bread," the race has labored for 6,000 years. Few have escaped, and upon the mass of men the curse (?) will rest until the end of time. To escape it entirely would be destructive, for it is still true that "an idle brain is the devil's workshop," to which might be appropriately added, "and idle hands are his instruments of evil." The danger of degeneracy, mental, moral, and physical, comes from the idle and not from those who toil.

Mr. KEATING. Mr. Chairman, I yield one minute to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, the eulogy pronounced on labor by the gentleman from North Carolina [Mr. PAGE] appeals to us all, but he fails to make the sharp distinction between working and being worked. [Applause.] We do not object to children working, but we do object to their being worked. We object not to the discipline of work, but we do object to its profit when at the expense of the country's childhood. This bill is trying to take care of the childhood of the country; and if there is any element that should win legislation here of a favorable character, it is that which relates to our children. Legislation should not be confined, as I see it, to the material ele-

ments of the Nation, but it should extend to the very soul of its greatest treasure, the source of the real greatness of the land, namely, the childhood of the country. I shall vote for the measure, and hope it will pass. [Applause.]

Mr. KEATING. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. The gentleman from Colorado has 29 minutes, and the gentleman from Virginia [Mr. WATSON] has 19 minutes.

Mr. KEATING. I yield five minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman, I have listened very attentively to the several speeches that have been made for and against this bill. In the brief time that I have been a Member of this House, I have listened to very eloquent speeches on affairs of interest to this great country of ours. We have been treated to speeches on preparedness. We have been told how to raise armies and build navies for the defense of our Nation; but to-day, sir, we are being treated to speeches on the real preparedness of our Nation—the education, the health, and the upbuilding of our children. [Applause.] That to my mind is the real question before this body. The opponents of this bill are discussing the constitutionality of this bill. Mr. Chairman, the question is shall we allow one State or another to do as it pleases with child labor? No, Mr. Chairman, this question is too important to permit even one State, no matter how great it may be, to assume any such responsibility. This is a bill that to my mind treats entirely with the question of the conservation of the health of our children, the future men and women who are to be the rulers of this Nation. [Applause.] Talk about children 12 years of age going into a mill and working 12 and 14 hours a day, and then tell us that they are fit for future citizenship! With their health broken and without education, you opponents know that this is impossible!

Mr. Chairman, I represent, in part, a State, the grand old State of Massachusetts, wherein are more mercantile and manufacturing establishments than in almost any other State of the Union. And we, Mr. Chairman, in the progress of making good laws for the protection of child and woman labor have been met with the same voice that meets you to-day—unscrupulous capitalists trying to commercialize in the blood of innocent children. [Applause.] That, Mr. Chairman, is the issue. It is not so much whether the products of one State with unfair child-labor laws shall be shipped with another State with adequate child-labor laws in another part of the country, but it is whether or not this Nation of ours wants to go on record of permitting any State, no matter where it is, to do the things that are unfair to the rest of the Nation.

The law to protect the labor of children between the ages of 14 and 16, no matter what State it is, has worked equally in the interest of the capitalist as it does for the laborer, because it is giving to him the labor of strong, virile young men and women. It is not right that the conditions that confront us in some of our States in this country to-day should continue.

Let me state to you, if you will, what the real conditions of many of those who have been obliged to work in mills and factories of this Nation in their young days are to-day. Pending before this Congress is a bill for the building of a sanitarium for taking care of the unfortunate people of these United States who are afflicted with that dreaded and terrible disease—tuberculosis. It is known, and the statistics prove it, that there is no people in the land where this disease has been increasing more rapidly than among the people in the factories and mills where children and mothers have been compelled to work 12 hours a day. I do not believe that there is a Member of this body, I care not from what State he comes, who, if he will discuss this bill on its real merits, on the merits that appeal to every man and every Member of this body who has the welfare of the children of our country at heart, but who will say that the United States, through its Congress, will turn a deaf ear to the mothers and children of this Union who are crying out at this moment for relief from this great Congress. [Applause.]

Mr. Chairman, the question of the constitutionality is but a byplay. This opposition, Mr. Chairman, does not come, I contend, from the hearts of the Members of this body who are speaking against it, because if they do know the real conditions they can not defend their position on the idle argument of constitutionality. [Applause.]

Mr. Chairman, investigations that have taken place throughout this country on the condition of child labor have shown that stringent laws should be put into effect to discontinue the working in the mills and factories of young children unfitted by health, education, and age to do the laborious work that is exacted from them. State after State, realizing that the future of our country must of necessity depend on the health of the chil-

dren, have passed laws regulating not only the condition as applied to their labor but also to their education. In States where these laws are put into effect they have been met with the strong opposition of the capitalists and mill owners, who believed that we were destroying their rights in labor. Great insistence was placed by the opposition upon the alleged effect that under the law the children can not get the benefit of our eight-hour day but would be discharged entirely. The result would be, said the manufacturers, that the children would spend their time in dangerous and unprofitable idleness and be worse off than when at work 10 hours a day, and that the wholesale hardships among families would be far greater than public relief or private charity could alleviate. The law, nevertheless, has been put into effect and has been successful to the extent that nearly all children who were at work when these laws were enacted are to-day working in the same occupations, and there has been no perceptible increase in family hardships.

In my own State, where this law has been in effect for some years past, we have noticed the rapid advance in the health and education of the children employed in mills, and the law has proven beneficial not only to those employed but to the manufacturers and mill agents themselves, who are to-day the first to come to the defense of laws of this nature.

Investigations of committees throughout this country have disclosed the absolute necessity of the passage of this bill.

Investigation has also clearly shown that in many cases children under the age of 16 and mothers of children were really unfit to perform the arduous work in the mills when compelled to toil 10 hours or more in order to get a mere sustenance to keep life and body together. It was shown in many cases that with the unhealthy condition of many of them made them susceptible to sickness and disease.

It became absolutely necessary that something should be done to immediately assist employees of the mills to bring about a more healthy and beneficial condition, and if we can do nothing else by the passage of this bill but to help in a measure to bring about these conditions it will bring untold blessings and benefits to our Nation.

It is for this reason that I raise my voice in behalf of this bill, for I believe it is the duty of all States to protect the health of their people, and that when they neglect to do so, it is time for the Nation to speak. State laws are good when States are enlightened enough to make them, but when it comes to a pass in this country that States will consider commercialism against the human lives of our men and women, then the Nation must speak through Congress.

Let us further behold that commercial greed and selfish capitalists who would deign to make their riches by the sweat and blood of innocent children shall yield to righteousness in this matter.

Mr. Chairman, I earnestly hope that this bill will become a law without a dissenting voice, so that we can say to the entire world that this Union made free by the shedding of the blood of our forefathers still remains as they intended it should and that that blood was not shed in vain. Let us realize that a nation is only as strong as the health of the people, and let us bring to the minds of our children that the laws of this land are what they were intended to be—the protector of all her people.

Mr. WATSON of Virginia. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. NICHOLLS].

Mr. NICHOLLS of South Carolina. Mr. Chairman, I had not intended at this session to take up any time of the House, for the reason that I know that there are a great many Members more able and competent to discuss the general proposition than I am. But with reference to the bill before us, I believe that I am in a position to know as much, if not more, about what legislation is necessary than possibly any man within the sound of my voice. For, gentlemen, I have not only seen the operation of the cotton mills from the standpoint of the financier, but it has been my pleasure and my experience to work myself in a cotton mill at the age that you are now trying to exclude. When I was a mere boy at the age of 14 I went into a cotton mill in my native county. That county now has more mills within its borders than any county in the United States, with the exception of one in the State of Massachusetts. I therefore say that I know personally what it means to labor in a cotton mill at the age of 14 years.

But, to go further, with this bill, it seems to me that we ought to ask the question: Who wants and who needs this legislation? You say the man who runs the mill, and I say the men and women and children who labor in the mill do not want it. Why do I make that statement? I have in my office, Mr. Chairman, numerous petitions signed by 6,716 persons, operatives who work from day to day in these cotton mills, petitioning their

Congressmen to vote against the passage of such a measure. I am not here representing the men who own the mills in this matter. Any one of my colleagues from my State knows that the men who own the mill endeavored to keep me from coming here, but the people who actually work in the mill sent me here as their representative.

I assure you that if, for an instant, any legislation could be passed benefiting the men who actually labor I would be hand in hand with you in such legislation.

What is their objection? Gentlemen, you who do not know the situation can not imagine, but the objection is simply this: In the State of South Carolina when I was a Member of the House of Representatives from that State we had no child-labor law, but we passed a law limiting the age to 12 years. Later on we passed a law limiting the age to 14 years, with the proviso that a man who really needed the labor of his child could make an affidavit that he needed it, and the child was allowed to work between the ages of 12 and 14. I am not in favor of that legislation, because invariably such an affidavit was made. I am in favor and would vote for your bill if I was a member of the South Carolina Legislature and your bill was before that body, if you would make it that no child under 14 years of age could work in a cotton mill. But when you get above that age you have this to confront you. The mill operatives in the South are not like those in the East or the North. You have a large foreign element who have nothing to live up to, but only come here for the specific purpose of making a living. In the South what have we? The people who build the cotton mills in the South come from the surrounding country where the mills are located, and the men who labor in the mills come from the States of Tennessee, North Carolina, and from the farms in South Carolina. They are absolutely dependent on their daily wage for the support of their families. They have more things to live for than the average foreigner, who comes here and who does not care if he and his family are all crowded in one room; they are true Americans and come from the same flesh and blood that you come from and I come from, and have the same independence of character that we have, and they can not afford to live as a great many of the mill people in Massachusetts and other States live, crowded in tenement houses. As it is, the struggle which they make to support themselves is an honorable, though hard one, and I therefore pray of you that you do not pass any law which would cut down their wages, as this law would. Some of the manufacturers of North Carolina invited the honorable Committee on Labor to inspect mills in the South at the expense of the cotton mills and not at their own, and I am satisfied that if they had taken advantage of this opportunity to visit our mills they would have come back to Washington and reported that conditions are not nearly so bad as they are pictured by some of the leagues over the country, who are behind and who are advocating this bill. I believe that the Members of the House who are pushing it are absolutely conscientious and sincere in the matter. But does it not seem to some of us that some people who are spending their time making reports about the bad conditions in Southern cotton mills would be in a position, if this bill passed, where they would find out that they knew about as little of "real man labor" as they do about "child labor." The State which I have the honor to represent is doing everything in its power, under the circumstances, to make conditions better for the children in its border.

We have a compulsory education law which sends a boy to school from the time he is 7 years old until he is 14. After he reaches that age, Mr. Chairman, the rest of his family actually need his help, actually need his wage, to help support the younger children coming up under him. If a boy is sent to school from the time he is 7 until he is 14, he has a sufficient education, unless he wants to take a profession.

A great many Members of the House have never had seven years' education, and yet, I do not think that any of them would contend that they were not fully qualified to represent the people of their respective districts and to formulate laws for the government of this great Nation.

Mr. Chairman, if this act should pass and become a law, where would we stop? Is there any reason on earth why a bill of a similar nature could not be introduced and passed, requiring that no child in any walk of life should be allowed to work until it was 16 years of age? The law which we are now discussing really does not apply to the negroes of the South, because none of them work in the cotton mills. An experiment was made along this line in Charleston, S. C., but after six months' trial the mill was closed down, moved to Georgia, and white help secured. It has been said that the reason that negroes could not work successfully in the cotton mill was because the hum of the machinery put them to sleep.

I can not vouch for this; however, I do know a great majority of the cotton picked in the Southern States is picked by children, both white and black, under the age of 16. If this law should be made to include all classes of children, it would be absolutely impossible to gather this great commodity from the fields in our country.

Mr. Chairman, I have not touched on what seems to me the main objection to the pending bill. I fail to see how any lawyer, who has seen the authorities, could take the position consistently that the bill if passed is constitutional. It is the same old question of State rights, in which I have always believed and in which I shall always believe, regardless of the action of Congress on this measure. It is the same question which confronted Congress before the outbreak of the Civil War, and if able men and able lawyers like President Lincoln and other men of his type, at that time at the head of the Government, had taken the position that Congress had a right to pass a law controlling the State on the question of slavery they would never have engulfed this country in the most horrible struggle that it has ever known. No, indeed, if they had ever entertained the remotest idea that such an act would have been constitutional and if the courts should have held it so this great struggle could have been avoided.

This bill is not at all in the same class as the pure food, the white-slave law, and the lottery measure, which have been passed upon and held constitutional by our Supreme Court. The Supreme Court upheld the passage of the bills above named because the article which was delivered from one State into another was deleterious and after being delivered did great harm, and based their opinion upon the ground that any shipment of a commodity which would hurt the morals of the community could not be carried from one State and placed upon the people of another. In no case has the long and often tortuous line of demarcation between State and Federal control been more clearly drawn than in the celebrated case of *Kidd v. Pearson* (128 U. S.) wherein the court said:

No distinction is more popular to the common mind or more clearly expressed in economic and political literature than that between manufacturers and commerce. Manufacture is transformation—the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce, and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. The legal definition of the term as given by this court in *County of Mobile v. Kimball* (102 U. S., 691, 702) is as follows:

"Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property as well as the purchase, sale, and exchange of commodities."

If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate not only manufactures but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry. For is there one of them that does not contemplate more or less clearly an interstate or foreign market? Does not the wheat grower of the Northwest and the cotton planter of the South plant, cultivate, and harvest his crop with an eye on the prices at Liverpool, New York, and Chicago? The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multifarious, and vital interests—interests which in their nature are and must be local in all the details of their successful management.

It is not necessary to enlarge on, but only to suggest the impracticability of such a scheme when we read the multitudinous affairs involved and the almost infinite variety of their minute details.

It was said by Chief Justice Marshall that it is a matter of public history that the object of vesting in Congress the power to regulate commerce with foreign nations and among the several States was to insure uniformity of regulation against conflicting and discriminating State legislation. See also *County of Mobile v. Kimball* (supra, p. 697).

This being true, how can it further that object so to interpret the constitutional provision as to place upon Congress the obligation to exercise the supervisory powers just indicated? The demands of such a supervision would require not uniform legislation generally applicable throughout the United States, but a swarm of statutes only locally applicable and utterly inconsistent. Any movement toward the establishment of rules of production in this vast country, with its many different climates and opportunities, could only be at the sacrifice of the peculiar advantages of a large part of the localities in it, if not of every one of them. On the other hand, any movement toward the local, detailed, and incongruous legislation required by such interpretation would be about the widest possible departure from the declared object of the clause in question. Nor this alone. Even in the exercise of the power contended for Congress would be confined to the regulation, not of certain branches of industry, however numerous, but to those instances in each and every branch where the producer contemplated an interstate market.

These instances would be almost infinite, as we have seen, but still there would always remain the possibility and often it would be the case that the producer contemplated a domestic market. In that case the supervisory power must be executed by the State, and the interminable trouble would be presented that whether the one power or the other should exercise the authority in question would be determined, not by any general or intelligible rule, but by the secret and changeable intention of the producer in each and every act of production. A situation more paralyzing to the State governments and more provocative on conflicts between the General Government and the States and less likely

to have been what the framers of the Constitution intended it would be difficult to imagine.

There are numerous other authorities which might be cited sustaining this same principle.

In the "Lottery case," which I have referred to, Judge Harlan in his opinion said in substance that traffic which could be limited in interstate commerce from one State to another was the kind of traffic which one could not pursue as a matter of right, the idea being that when the lottery ticket went from one State to another, at the time it reached its destination would cause the violation of morals and other things in that case.

Now, let us take the bill before us. There is not a man on the floor of the House who would for one instant contend that a bale of cotton goods was in any way injurious or could in any way do anyone any harm, and yet we go back to the actual manufacturing of the commodity and try to take hold of that.

You say that you do not punish the manufacturers, but that you punish the common carriers. This is merely a way of doing indirectly what you know you have no right to do directly. It is unquestionably a violation of that clause of the Constitution which guarantees that no citizen can be deprived of his property without due process of law. But you say you are not depriving him of his property; that is the very thing you are doing, because of what value would cotton goods be to the manufacturer or to the purchaser who had purchased them for the purpose of selling them if he had absolutely no way to dispose of them? In other words, while you do not actually propose to take from him his property without due process of law, you do propose, without due process of law, to put him in such a position that his property is absolutely worthless to him because he has no way of selling and delivering same. In the case of *People against Hawkins*, One hundred and fifty-seventh New York, the court speaks in this language:

The citizen can not be deprived of his property without due process of law. Any law which annihilates its value, restricts its use, or takes away any of its essential attributes comes within the purview of this limitation or its power.

This is not the first time that the question as to whether or not Congress had a right to legislate against child labor has arisen before this body. A few years ago the Judiciary Committee of this House was asked to make a thorough investigation and research into the law and report back to this House whether or not Congress had that right. The opinion of this able committee was unanimous that this right did not exist and that it was a question for the States to determine.

There are numerous and sundry opinions of the court sustaining this proposition, and some of the most learned lawyers of our country have gone into it to a great extent. Ex-President Taft, who is also an ex-judge and who is considered to be one of our ablest lawyers, has said in his book on *Popular Government*, pages 142 and 143:

Bills have been urged upon Congress to forbid interstate commerce in goods made by child labor. Such proposed legislation has failed chiefly because it was thought beyond the Federal power. The distinction between the power exercised in enacting the pure-food bill and that which would have been necessary in the case of the child-labor bill is that Congress in the former is only preventing interstate commerce from being a vehicle for conveyance of something which would be injurious to people at its destination, and it might properly decline to permit the use of interstate commerce for that detrimental result. In the latter case Congress would be using its regulative power of interstate commerce not to effect any result of interstate commerce. Articles made by child labor are presumably as good and useful as articles made by adults. The proposed law is to be enforced to discourage the making of articles by child labor in the State from which the articles were shipped. In other words, it seeks indirectly and by duress to compel the States to pass a certain kind of legislation that is completely within their discretion to enact or not. Child labor in the State of the shipment has no legitimate or germane relation to the interstate commerce of which the goods thus made are to form a part, to its character, or to its effect. Such an attempt of Congress to use its power of regulating such commerce to suppress the use of child labor in the State of shipment would be a clear usurpation of that State's rights. (*Popular Government*, pp. 142-143.)

I would like to talk to you at great length upon this subject, but I realize that there are numbers of other gentlemen here who are very deeply interested in this bill. I believe as time progresses and conditions in the South are improved that each of our States will do everything in their power, as they have done in the past, to relieve the children from working in the mills, but I tell you frankly that if you pass this law and if the Supreme Court of the United States sustains your action, you will take bread out of the mouths of numbers of helpless children who are now depending largely upon their "big brother" or "big sister" to feed them. As I have said before, if this bill was before the South Carolina Legislature—the only body, in my judgment, which has the right to pass it, governing South Carolina—and I were a member of that body, I would vote for its passage, provided that the age limit was 14 years instead of 16. If you decide to pass this bill, I implore you to vote for an

amendment which will be introduced making the minimum wage scale in manufacturing plants called for by this bill \$2 per day, because if you deprive the families in the mills of the South from the aid now given them by their children from 14 to 16, you should at least place the adult members of these families in a position where they could earn a wage on which their families could live. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

By unanimous consent, Mr. NICHOLLS of South Carolina was granted leave to extend his remarks in the RECORD.

Mr. KEATING. Mr. Chairman, I yield three minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, this measure is not any great bugaboo, as the cotton and woolen mill districts and mining districts seem to indicate here. The Constitution of the United States is not going to be trampled under foot. It is just a question of whether you are going to conserve the young boys and girls of the country or put them into these mines and factories, and grind their sweat and blood into dollars. The issue is clearly drawn. Where is the man who wants the little boy or little girl under 14 years of age to be confined in the cotton mills of his country, where they will inhale and absorb into their lungs all of the lint and dust and all of the conditions of immorality that surround them and cause them finally to degenerate into a race of pigmies, physically and mentally?

Mr. GORDON rose.

Mr. QUIN. I have not the time to yield. The question is whether or not we want to make a strong virile race of men and women in this country. You can not do it by putting little children into factories and mines at hard labor. You can not bring up that race that the American people have been so proud of in the past, if we are going to take them when they are little boys and girls and put them to work in mines beneath the earth to inhale dust and gases, and in cotton and wool factories to inhale dust and lint. We can not change nature. We know that in the tender years of life the child should have its schooling, it should have its outdoor exercise in God's pure air and sunshine. If we want to make a race of strong men and women we must have conditions that will protect them. [Applause.] I believe this Congress ought to conserve the manhood and womanhood of this Republic, and it is our duty under the oath taken here to look out for the human race instead of piling up dollars for the men who own the factories and the mines. [Applause.] We know that that class of men have been in all the States endeavoring to keep the respective legislatures from passing wholesome laws to protect the children, and when we come to the Federal Congress we see that the same influence is at work here. They never stop; they work all of the time.

The distinguished gentleman from North Carolina talked about a lobby. I hope to God there is a set of people in this Republic who are so interested that they will voluntarily give up their time to come to the city of Washington and try to get a law passed that will save the little boys and girls from being made mental and physical dwarfs and their beauty and health from being undermined by being ground into almighty dollars by the capitalists of this country. [Applause.]

Some of the gentlemen who have just spoken seem to be very solicitous about the success of the factories of our country. I am just as good a wisher for the success and prosperity of the factories as any other man in this Congress, but I shall never cast my vote against the poor laboring people of my district, State, and Nation. I know that the poor people are bound to work for a living, but I do not propose to sit idly by and see these poor little boys and girls worked in these factories and mines when they should be attending public schools to fit them for citizenship and a fair chance in life.

As Representatives of the people we should endeavor to give every boy and girl in this great Republic an opportunity to make good in the world. Does any man on this floor believe the factory and mine owners are as much interested in the little children in their factories and mines as they are in the profits they can make out of this class of labor?

It is our duty to protect the poor children instead of allowing them to be the profit makers for the capitalists of this country.

The gentlemen who are so afraid that capital will be driven out of the manufacturing and mining business are unduly excited. It is my observation that capital can always take care of itself. This bill puts all of the factories and mines in all of the States of the Union on an equal footing. Why should any of them complain?

I contend no child under 16 years of age should be allowed to work in the factories and mines of our country. The child can not help itself. Then it is the duty of the lawmakers of this Government to make it impossible for the children to be worked

in those places at a low, measly rate of wages which shuts the door of opportunity in their faces the remainder of their lives.

The gentleman from North Carolina said this child-labor bill is founded on sentiment, and that seems to be one of his reasons for opposing the measure. Blessed be the people if they are fortunate enough to have this noble sentiment enacted into the law of this land.

Mr. Chairman, I am proud of the fact that sentiment has found its way into the legislative halls of this Nation to force the lawmakers to recognize the poor children of the United States and enact this wholesome law for their welfare. God bless the sentiment which takes the poor, unfortunate children of the laboring people out of the toils of the captains of industry and places them in the schools to train them for the duties of citizenship. The glory of this Republic depends upon its citizenry. If these little girls spend 8 or 10 hours every day except Sunday at work in factories, what kind of mothers would they make after they are grown women? A large percentage of them would have their health undermined in their youth. They could not have the advantages of schools. They would enter woman's estate with heavy handicaps. Each succeeding generation would become weaker.

Who doubts nature's law of heredity? What prospect for the future has the boy who spends his tender years working in cotton or woolen factories or in the bowels of the earth mining coal or anything else?

Every sensible man knows that boy is loaded down with a heavy weight.

Who says protect the poor children from these hardships and handicaps? Motherhood, humanity, sentiment, and God.

Who says kill this bill? The American capitalist; in order that he might further increase his profits and fortune.

One distinguished speaker on this floor says this bill ought to be killed because it is State socialism.

Mr. Chairman, it is my observation that every bill for the real benefit of the people has to run the gauntlet of its opponents, who claim it either unconstitutional or socialistic.

We all take the oath to support the Constitution. I do not think I ever voted for any measure that violated the Constitution. From my own intellect and conscience I interpret the Constitution as touching the bill now under discussion. The corporations of this country shall never interpret the Constitution for me, and I know they can never get my conscience.

All of this hurrah about State socialism has no terrors for me. I am for this bill in soul, heart, and mind, and hope it will pass this House before the sun sets this day. [Applause.]

Mr. KEATING. Mr. Chairman, I yield one minute to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, it is very easy for a man from the State of Massachusetts to be in favor of this bill. I do not rise for the purpose of saying that I am in favor of it. Of course I am in favor of it. I claim no especial virtue for my views. We prohibit child labor in Massachusetts and so it is clearly to our interest to prohibit child labor in States which compete with us. The majority report, I think, gives too much credit to former Senator Beveridge. To be sure he was one of those who followed President Roosevelt's lead, but, if I recollect rightly, one year earlier Congressman William S. McNary, of my own State of Massachusetts, was the first Member of Congress to introduce a measure looking to the ultimate elimination of child labor throughout the land. At that time Congressman McNary and I, each of us, introduced bills to make effective President Roosevelt's recommendation contained in his message to Congress on December 6, 1904.

The President expressed a belief that the States themselves must ultimately settle the question, and called for an investigation. At that time it is probable that the courts would have held this present proposed law to be unconstitutional.

Along in January, 1907, Senator Beveridge offered his amendment seeking to destroy child labor by legislation, which, as he claimed, was constitutional under the "commerce clause" of the Constitution. At the time the trend of the decisions of the Supreme Court had been such as to make it quite apparent to good lawyers that the Beveridge amendment would not be upheld. Since that day the trend of decisions has changed and I feel little apprehension that this proposed measure should be declared unconstitutional. I am heartily in favor of this child-labor bill. I believe that it will go far to prohibiting child labor, and I believe that the courts will find it constitutional; therefore I shall vote for the bill.

Mr. KEATING. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. CALLAWAY].

Mr. CALLAWAY. Mr. Chairman, I do not know whether I can get started in three minutes. I want to say a few things, however, that occurred to me with reference to this bill, and I

have not had time to look through it, either. As I understand, it provides that the products from factories using a certain character of labor shall not be transported across State lines. My objection to that is that I believe in the people of the different localities of this country controlling, in matters of local concern, their own affairs. I have as much confidence in the people of South Carolina doing justice to their children and rightly determining what they ought to have in their factories as I have in the people of Colorado. I am perfectly willing for Colorado to determine what character of labor her factories shall have. I would not say one word nationally with reference to it. I am perfectly willing for the State of Massachusetts to determine what character of labor she will use in her factories, but I have just as much confidence in the intelligence and integrity and in the humanity of the people of Georgia as I have in the people of Arizona or the people of California. I do not think that we ought to tear down every principle of democracy which relegates to the people the right to determine for themselves the things they have the power to overlook. If I did not believe in the ability of the people to control their own affairs and to govern themselves, I would then say we here in Washington should determine it for them, but believing in the ability of the people to control their own local affairs, to pass their own local laws relative to their factories and their own children, I know that they are better able to do that the closer you bring it home to them. Believing in their ability to do that, and knowing the closer you bring the subject to them the more able they are to deal with it intelligently, and having the same confidence in the people of one State that I have in the people of another, I can not from the city of Washington say to the people of Georgia what they shall do, nor to the people of South Carolina, nor to the people of Alabama, and I do not want them to say to the people of my State, and I do not believe that it is the province of a democratic representative government for the Congress sitting in Washington to determine for every State in the Union what it shall do in respect to its local affairs. [Applause.]

Mr. KEATING. Mr. Chairman, I yield eight minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, the only debatable question, in my judgment, before the committee is the constitutionality of this measure. Now, I, of course, could not in the space of eight minutes hope to discuss with any satisfaction either to myself or to the committee the question of its constitutionality. And I will therefore not attempt to do any more than merely to outline the grounds upon which I believe it is within our constitutional power to enact. I am surprised that the opponents of this legislation, as they have gone on with their debate this morning, have not seen the proposition that is really before the House. It is simply this: We have the power under the Constitution to regulate interstate commerce. Now, is there any limit to our power? Is our power arbitrary? I am frank to say I do not believe it is.

It is, I believe, limited and measured in exactly the same degree that the police power of a State is measured and limited with reference to its own legislation. So, then, coming down to the particular proposition, the question arises, Would the State of South Carolina or the State of Virginia or Georgia, or any State, have the power to enact this legislation controlling these commodities and these manufactures within their own State for their own purpose? Not one of the opponents of this bill will deny that the States have that power; and, if they have it, then we have the same power, to the same extent, to apply the same principles and for the same purposes in so far as interstate commerce is concerned. And that is all that is attempted. Now, the minority have presented a very able brief, and it should, because of the distinguished ability of the men who sign it, command the careful attention of the House; but I want to say, and without any criticism upon those gentlemen, that anyone who reads this minority report must conclude that they are appearing here as advocates of the opponents of this legislation rather than in a judicial frame of mind to ascertain what the law is.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Mr. Chairman, I have not the time to yield. And if you will read this minority report you will find that in practically every case they have cited they go back to the early days of this Republic. The cases they have cited are found in Howard, in Peters, and in Wheaton, and in other of the earlier reports, where it is admitted that the construction of the Constitution then was not as broad as it is to-day. In connection with that I desire to quote to the gentleman from Virginia [Mr. WATSON] and commend to his consideration some of the language that he used only last year upon the construction of the Constitution. In a speech that he made upon the floor he re-

ferred to some of the earlier decisions of the Supreme Court that had been later modified, and then he went on to say:

But everything changes, Mr. Speaker, in the course of time, and even so conservative a body as the Supreme Court seems to be cognizant of the changes of opinion which take place in the country. Somebody has said of that court, in a spirit of adverse criticism, that the window to its chamber looked out upon the great body of the American people, and it sometimes took judicial cognizance of changes going on among them. I do not subscribe to the criticism in the sense in which it was uttered; but, as a matter of fact, judicial opinions change, and in regard to this subject the mind of the Supreme Court has changed in recent years.

And so it can be said with reference to the minority report. You will observe in this minority report that no comment is made upon the decision in *Hoke* against the United States, which is the decision in the White Slave cases. No reference is made to the pure-food-act decisions and only passing comment upon the decision in the Lottery cases, and I undertake to say that if we apply the reasoning that was applied in those cases we must conclude that the earlier decisions they have quoted here are substantially modified. Now, the gentleman from North Carolina [Mr. WEBB], the distinguished chairman of the Committee on the Judiciary, a little while ago made the statement upon the floor that our power under the interstate-commerce clause related only to goods and merchandise and commodities that were harmful and deleterious in themselves.

Mr. WEBB. Mr. Chairman, if the gentleman will pardon me, I said that was the distinction the Supreme Court had made so far in its line of demarcation.

Mr. LENROOT. And then when the gentleman's attention was called to the pure-food act he escaped from that just as rapidly as possible, because misbranded goods are neither necessarily deleterious nor harmful, and yet they are absolutely shut out of interstate commerce. The gentleman then said the reason that was done was because they perpetrated a fraud upon the public. Granted; and when you get that far, sir, you admit the constitutionality of this bill. And why? Because if it is within our power to prohibit interstate commerce for the purpose of preventing frauds upon the public, we have the same power to prohibit interstate commerce that may produce unfair competition in the public.

The gentleman's own committee reported a bill, which passed this House and is now the law, with reference to unfair competition. Will the gentleman say when a vast majority of the States of this Union have rigid child-labor laws and a few States of the South permit little children, 8, 9, or 10 years old, to work in their factories, that that is fair competition with these Northern States, where they are not permitted to employ children under 14 years old? Is not that as clearly within our power as the power to prevent frauds in the misbranding of goods?

But this is not the only ground upon which the constitutionality of this bill can be sustained. No one has any inherent right to employ child labor in the production of any commodity. On the contrary, the employment of child labor in factories and hazardous occupations is almost universally condemned as wrong. Nearly all of the States have rigid laws prohibiting the employment of child labor in such cases. The right to so prohibit is grounded upon the fact that such employment is detrimental to the public health, the public morals, and the public welfare. That being true, there can be no inherent right to employ the channels of interstate commerce wherever such employment would be detrimental to the public health, public morals, or public welfare. Does it need any argument to support the proposition that to permit manufacturers in a State having no child-labor laws to use the channels of interstate commerce, thus affording a facility for further exploiting child labor, is detrimental to the public health, the public morals, and public welfare? If it is in any degree so detrimental, then our power to close the channels of interstate commerce to any commodity produced under such conditions can not be doubted.

In *Hoke v. United States* (227 U. S., 523) the court said:

It is misleading to say that men and women have rights. Their rights can not fortify or sanction their wrongs; and if they employ interstate transportation as a facility of their wrongs, it may be forbidden to them to the extent of the act of July 25, 1910, and we need go no further in the present case.

All enlightened public opinion condemns the employment of child labor, in the cases enumerated in this bill, as wrong, and all that the bill seeks to do is to forbid producers of commodities in the cases mentioned in the bill from employing any such transportation as a "facility of their wrongs."

Another thing, Mr. Chairman, the House will remember that last year this House passed a cotton-warehouse bill, a bill that was clearly unconstitutional on the face of it, and not one lawyer on either side of this House dared to get up and argue its constitutionality. Every one of those gentlemen who have argued

this morning that this bill is unconstitutional, with one exception—and he was not then a Member—voted for that bill on the ground that we had the right to pass that bill under the public-welfare clause of the Constitution. The gentleman from Virginia [Mr. WATSON], who signed this minority report, was one who voted for that bill. The distinguished chairman of the Committee on the Judiciary [Mr. WEBB] voted for it, and the others I have mentioned, and it was not then pretended that that power which was exercised in that bill was exercised under the authority of the interstate-commerce clause or any other clause of the Constitution. [Applause.]

Nearly all of these gentlemen who are now so vehement in insisting upon a strict construction of the Constitution did not exhibit any such attitude at that time. The gentleman from South Carolina [Mr. LEVER], the distinguished chairman of the Committee on Agriculture, whom we all respect and esteem, had charge of the cotton-warehouse bill that I have referred to, when neither he nor any one of its supporters even attempted to show that the provisions of that bill came within our constitutional power. He said:

The truth is, Mr. Speaker, that when there is great general good to be accomplished by legislation I am not so squeamish about the Constitution. I believe that when a thing is to be done, when an object is to be accomplished, it should be reached in the quickest and most direct way.

If the gentleman and his associates could go so far on the cotton-warehouse bill as to support it when no argument could be advanced for its constitutionality, is it too much to ask of them that they cease their opposition to this bill, the enactment of which rests upon an express power granted in the Constitution and "when there is a great general good to be accomplished"?

The CHAIRMAN. The gentleman's time has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I am in favor of this bill because it seems to me to tell directly for the welfare of the child all over the country, not in any particular section of the country, but in every State and every city and town of the United States. I think it tells for the welfare of the child physically and mentally and morally. We all know that where there is an opportunity for the child to be employed under a given age—14 or 16, as the case may be—it impairs and restrains his full physical development. In the first place, it keeps him employed for long hours and perhaps in the midst of insanitary conditions. Oftentimes the air of the mill or the factory where he is employed is laden with lint or is otherwise foul or impure. Oftentimes, too, he will be the sufferer physically by reason of accidents. The very elaborate report of the commission investigating the conditions of woman and child labor throughout the United States, which was completed only a year or two ago, shows that children of tender years are much more liable to physical injuries caused by the machinery in the midst of which they are employed than are those of more mature years.

In the second place, the mental retardation of children who go to work too early necessarily follows. I have not the precise figures in mind, but in States where there are very rigid child-labor laws the children who go to school between the ages of 10 and 14 number about 95 per cent of all children between those ages, whereas in the States where the child-labor laws are less rigid, or where they are less strictly enforced, the percentage of children between the ages of 10 and 14 who are in school range only from about 70 per cent to about 75 per cent. Now, we all know that that difference of 20 or 25 per cent in school attendance of children between the ages of 10 and 14, the formative period of a child's intellectual career, reflects a very dangerous and unfortunate situation.

The percentage of illiteracy in States where child-labor laws are lax is vastly higher than in those where the child-labor laws are very strictly applied and enforced. I have not those figures fully in mind, but my recollection is that in some backward States the percentage of illiteracy is from 14 to 18 times as high as in the States of the other type, which are noteworthy on account of their enforcement of child-labor legislation.

Speaking of the third point—the question of the morals of the children—Dr. Neil, in his report on the moral conditions affecting child labor, has pointed out that there is a direct causal connection between the moral welfare of children and their em-

ployment at an early age. He has shown by elaborate tables that the records of the police courts and the delinquency courts show an enormously greater percentage of immorality and delinquency in the case of children who are employed too young than is the case where children are allowed to gain more moral stamina before they go to work for the first time. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

The gentleman from Virginia [Mr. WATSON] is recognized for 11 minutes.

Mr. WATSON of Virginia. Mr. Chairman, the bill under discussion—commonly known as the child-labor bill—has been in Congress in one form or another for the past 10 years. In substance it makes it a crime to work boys and girls under the age of 14 years in any mill, workshop, cannery, factory, or manufacturing establishment of any kind; or under the age of 16 years in any mine or quarry; or between those ages more than eight hours a day or at all during the hours of night—a crime for which the shipper of goods in interstate commerce, made in whole or in part by such labor, is punishable by fine and imprisonment. To carry out its provisions an extensive system of visit, search, and inspection by the Federal Government is authorized.

It can not be questioned that in recent years a widespread and, in some localities, an almost overwhelming public sentiment has grown up in favor of legislation of this character. Philanthropic and charitable associations have given it the benefit of their support, and organized labor in many sections of the country has freely contributed its very considerable aid.

In the face of such public demand I have not the vanity to suppose for one moment that anything which I can say would affect in any material way the fate of this measure, the passage of which through this body is a foregone conclusion. On the contrary, it were much easier to yield to the amiable impulses of the hour and allow a proposal originating in such kindly motives and introduced under so favorable auspices to pass without comment.

But, Mr. Chairman, though the evil sought to be reached by this law be conceded, and the motives which animate its proposals be ever so commendable, if the remedy proposed is unwise and revolutionary in itself, and beyond the constitutional power of Congress to grant, should not the Representative, charged with the solemn duty of upholding the Constitution and the laws made in pursuance thereof, be willing to lift his voice against the consummation of such a measure and warn his countrymen against the consequences which he thinks must ensue?

It has seemed to me not only that he should be willing but that it is his bounden duty to do so.

NO DIFFERENCE OF OPINION AS TO THE EVIL.

There is no difference of opinion between the advocates and opponents of this bill as to the evil of child labor in any of its moral or physical aspects. As far as law can offer a remedy, I take it that no humane man would be willing to see a single American child condemned to use the spring and seed time of life in consuming physical labor. But that much of the evil in question is beyond the reach of law, is inherent in our nature, and inseparable from our present imperfect condition must be obvious to every thoughtful man. No legislation yet has ever been wise enough to abolish poverty and necessity; and as long as man's needs and wants remain, there will be some, both adult and adolescent, who shall have to toil for daily bread despite the laws of the most enlightened States. It is the duty of the laws to make easy as possible the conditions under which man performs his labor and to see that he is not unjustly deprived of its reward; but beyond that the laws may not go, and he is under God's providence left to work out his own destiny.

THE EXTENT OF THE EVIL TO BE REACHED AND THE PRACTICAL EFFECT OF THE BILL.

Of the countless thousands of young people in the country under the age of 16 years who are compelled to labor of some sort it is not believed that more than 1 in 15 are engaged in the industries affected by this measure. For the myriads of the young who toil upon the farm, in the forests, on the plains, in the counting room, and in all the vast avenues of domestic trade, who ply the streets of great cities in the news and messenger service of a modern civilization, no relief is provided or has even been considered by this bill. Its boon extends only to the factory and the mine.

According to the last census, of the total number of persons in the United States employed in manufactures and mines, aggregating over seven and one-half millions, only 169,644 were under the age of 16 years, and of this latter number fewer than 45,000

reside in States which have not already by local law prescribed the same requirements as to age and night work provided in the bill now before us. North and South Carolina, New Mexico, and Wyoming are now the only States in the Union in which a child under 14 years, unless under special exemption, can be legally admitted to factory work, and in those States, according to the latest returns, only 10,533 under that age were engaged in manufacturing and mechanical occupations.

The bulk of those, therefore, affected by the age and night-hour clauses of the bill are in the textile industries of a few Southern States. The eight-hour provision of the bill would embrace of course a larger number scattered over a much wider area, but however desirable this may be thought of as an ultimate standard, it can not yet claim the sanction of more than half the American States, and it is believed to be true that far more than half of our people engaged in the various professions, trades, and industries of the country still find it necessary to work more than eight hours per day.

It will thus appear that the labor of children of tender years and at night—the subject which has attracted public notice and excited the solicitude of patriotic men and women in all parts of the country—has to-day legal existence in but few American Commonwealths. With the rapid progress of labor laws in all the States, it is confidently hoped that the child labor aimed at here will in a comparatively short period disappear entirely by local legislation. But should we be disappointed in this, economic conditions themselves would eliminate the evil in large measure.

The fact is child labor does not pay; and farsighted business men, albeit moved by no higher motive than gain, are constantly seeking to get rid of it. The committee hearings disclosed that in many instances employers only consent to admit such children to work from motives of humanity to them or their dependent families.

It is not believed that the products of child labor are of such a character or sufficient in volume to make them a serious factor in the economic and commercial life of the country.

To be sure, in some sections just emerging from the social and economic wreck of a great Civil War and entering now upon new industrial life, conditions leave yet much to be desired in the way of educational and vocational advantage; but, considering the means at their disposal, what people anywhere ever advanced so fast and so far against odds so great or face the future now with brighter promise or higher resolve? For years good men and pious women in their midst have devoted their lives with absorbing interest to the solution of this very problem.

These few general observations are submitted not for the purpose of justifying the existence of wrong or injustice in any portion of our common country, much less to defend those, if such there be, who would sacrifice the citizenship of the time to come upon the altar of financial greed, but for the purpose of presenting to your view my own sense of the extent and character of what has been so feelingly described as a "great nationwide evil."

NO DIFFERENCE IN AIM, BUT IN METHOD.

Conceding, then, the existence of the evil, with the qualifications stated, I yield to no man in the earnest and sincere desire to find a suitable and adequate remedy.

This gentlemen think they have found in the "commerce clause" of the Constitution, and, under its power to regulate commerce among the States, they propose for Congress to exclude from such commerce the products of child labor, and by this method compel the States to enact such laws regulating labor in their midst as will conform to the will of Congress upon this subject. To them it has seemed fit to invoke the aid of the Federal Government upon this question and to rely upon the distant, but very powerful, Legislature of the Nation to deal with its many and, locally, vastly diversified phases.

On the contrary, after diligent search, I have not been able to find in the Constitution any warrant for the remedy proposed; nor, if there were, have I been able to persuade myself that it would be the part of wisdom to employ it. To me and to those who think with me the ages of workmen engaged in manufacturing industries and the hours of labor are in no sense Federal questions, and their regulation can in no proper way be assumed by Congress. To us, therefore, it seems that as far as mere law may be expected to ameliorate our industrial conditions we must look to the wisdom and humanity of the State legislatures, which alone, under our dual form of government, have the power to deal directly with those conditions.

IS THE BILL CONSTITUTIONAL?

The gentlemen who brought this bill from the committee declined any extended discussion of this question in their report, and expressed the opinion it would lead to no "useful result."

Some gentlemen seem amused that such a question should be asked, and others who have taken part in the debate have expressed impatience that their views should be met with "constitutional objections."

All of which means, Mr. Chairman, if it means anything, that a considerable body of public sentiment has been gathering head in the country and now extending to the Congress itself, which is growing impatient with the restraints of a written Constitution, and is disposed to resent the fact that any limit is imposed on the legislative will, however ephemeral the end sought to be attained.

The attitude of some toward the Constitution of their country reminds me very forcibly of a comment made by a distinguished professor of law in the University of Virginia upon the resumption of lectures at that institution at the close of the war. Upon reassembling his classes, he said:

Young gentlemen, you have now reached the stage in your course in which you will be invited to study what, by common courtesy, is still called "constitutional and international law," but in the light of past and projected events I would not be candid if I did not say to you I look upon the subject in the light of a post-mortem examination.

Is the Constitution really dead? And are the gloomy prophecies of this troubled patriarch of the law, overwhelmed at the time by the misfortune of his country, coming so soon to be realized upon the floor of the American Congress? Does the legislator owe no duty to the Constitution which he is bound to respect and can he cast lightly upon the Supreme Court the sole responsibility of determining his own obligation to the supreme law of the land?

If all great questions could be thus summarily disposed of, then, indeed, would the path of the lawmaker be simple and his task quickly performed. But, fortunately for them and perhaps unfortunately for ourselves, a question affecting the vital interests of a hundred million people can not be thus dismissed without debate before the judgment bar. The legislator is the first judge to whom a proposed law can be submitted; under the solemn sanction of official oath it is not only his right but his sworn duty, before he can act at all, to decide in the affirmative that he has the legal right to do what is proposed. It is because he is supposed to have performed this very duty that the courts, in reviewing his action, when in doubt concerning his power, will determine the doubt in his favor and concede the power.

In this connection it was forcibly said by Judge Cooley:

Legislators have their authority measured by the Constitution. They are chosen to do what it permits and nothing more, and they take solemn oaths to obey and support it. When they disregard its provisions, they usurp authority, abuse their trust, and violate the promise they have confirmed by an oath. To pass an act when they are in doubt whether it is not violating the Constitution, is to treat as of no force the most imperative obligation any person can assume. A business agent who would deal in that manner with his principal's business would be treated as untrustworthy; a witness in court who would treat his oath thus lightly and affirm things concerning which he was in doubt would be held a criminal.

Assuming, then, notwithstanding the disinclination of some to be bothered by such inquiries, that the question of constitutional power here involved will have the serious and conscientious consideration of this assembly, let us take up the matter for such examination as the occasion will permit.

OPINION OF THE JUDICIARY COMMITTEE IN THE FIFTY-NINTH CONGRESS.

In the Fifty-ninth Congress, in which were pending sundry matters relating to woman and child labor, Mr. Tawney offered the following resolution, which was adopted by the House:

Resolved, That the Judiciary Committee be, and it is hereby, directed to immediately investigate and report to the House at this session the extent of the jurisdiction and authority of Congress over the subject of woman and child labor, and to what extent and by what means Congress has authority to suppress abuses of such labor or to ameliorate conditions surrounding the employment of such laborers.

The Judiciary Committee at the time comprised some very able lawyers in its membership, and was composed as follows:

John J. Jenkins, Richard Wayne Parker, De Alva S. Alexander, Charles E. Littlefield, Robert M. Nevin, Henry W. Parker, George A. Pearre, James N. Gillett, Charles Q. Tirrell, John A. Sterling, B. P. Birdsall, and John H. Foster (Republicans).

D. A. De Armond, D. H. Smith, Henry D. Clayton, Robert L. Henry, John F. Little, and W. G. Brantley (Democrats).

After careful study and review of the authorities upon the question, the committee submitted, on February 6, 1907, a unanimous report to the House, in which it said, among other things:

In the opinion of your committee, there is no question as to the entire want of power on the part of Congress to exercise jurisdiction and authority over the subject of woman and child labor. In fact, it is not a debatable question. It would be a reflection upon the intelligence of Congress to so legislate. It would be casting an unwelcome burden upon the Supreme Court to so legislate. (See Rept. No. 7304, 59th Cong., 2d sess.)

This opinion of its chief law committee was respected by the House at the time, and as a question of law for several years

the matter was thought to be at rest. I am informed that the Senate Committee on the Judiciary about the same time found to the same effect upon a similar inquiry.

THE BILL IS UNCONSTITUTIONAL.

Mr. Chairman, in the time allotted it is difficult to discuss with satisfaction a question like this, and I shall have to content myself with an imperfect statement of the reasons which have combined to form my opinion upon this subject.

I submit that this measure is unconstitutional, because—

First. No act of this body in all its legislative history, extending now over a century, can be cited as a precedent for this legislation; and no court of last resort, State or Federal, has ever asserted such a power to reside in Congress.

I do not plead this long record of nonaction and nonassertion as conclusive, of course, but I do present it as powerfully persuasive. In the many vicissitudes through which the country has been called to pass, surely there have been times when the motive for legislation of this kind was not lacking, and the fact that in so long a period such legislation was never attempted or justified beforehand by court deliverance is strong presumptive evidence that the legislative and judicial mind has heretofore discredited the power.

Second. It seeks to do indirectly that which directly it would confessedly be unlawful to attempt.

Will any respectable lawyer upon this floor argue for one moment that it is competent for Congress by direct enactment to fix the hours of labor and the ages of the workmen in the factories and mines within the territorial limits of the States? Yet that is the object and effect of this bill—in fact, its sole object. "So says the bond"; it is express in the exacting clause; the whole context proclaims it. How would such an instrument have answered the constitutional requirements laid down by Judge Marshall in *McCulloch v. Maryland* (4 Wheat, 316)?

Let the end be legitimate; let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

And in ascertaining if the end were legitimate and within the scope of the Constitution, what would Judge Story have said:

Every act of the legislature must be judged of from its object and intent, as they are embodied in its provisions. (2 Story on Constitution, 37.)

And in this general connection it was finely said by another great lawyer and judge, Abel P. Upshur:

Congress has no right to employ for one purpose means ostensibly provided for another; to do so would be a positive fraud and a manifest usurpation; for if the purpose be lawful it may be accomplished by its own appropriate means, and if it is unlawful it should not be accomplished at all. Without this check it is obvious that Congress may by indirection accomplish almost any forbidden object. (Upshur on the Federal Government, 98 and post.)

Third. It is not a regulation of commerce, but of production.

While nominally purporting to regulate commerce, it in reality regulates the conditions under which goods are made for that commerce; that is, production. The thing aimed at in the bill—child labor—is completed before the thing ostensibly regulated and which alone Congress has power to control—transportation—begins. Commerce is not regulated, but manufacture is. Commerce does not begin until manufacture has ended; and goods are not subject to the commercial regulation of Congress until they have started on their journey into another State.

The legal proposition that the things herein prescribed affect not commerce but conditions anterior, which are amenable to State law alone, I take it as long and well settled by repeated adjudications of the Supreme Court.

Said the court in *Coe v. Errol*:

There must be a point of time when they (goods) cease to be governed exclusively by domestic law, and begin to be governed and protected by the national law of commercial regulation, and that moment seems to us to be a legitimate one for this purpose in which they commence their final movement from the State of their origin to that of their destination. (116 U. S., 517.)

And again in *United States v. Knight Co.*:

Commerce succeeds to manufacture and is not a part of it. * * * That which belongs to commerce is within the jurisdiction of the United States; but that which does not belong to commerce is within the jurisdiction of the police power of the States. (157 U. S., 1.)

Fourth. If it be a regulation of manufacture and not of commerce, Congress has no power to make the regulation.

This proposition was already deducible from the court decisions quoted above; but I desire to call especial attention to the celebrated case of *Kidd v. Pearson* (128 U. S., 1), in which the long and often tortuous line of demarcation between State and Federal power is drawn with striking power and skill.

Said the court:

No distinction is more popular to the common mind or more clearly expressed in economic and political literature than that between manufactures and commerce. Manufacture is transformation—the fash-

ioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce, and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. The legal definition of the term, as given by this court in *County of Mobile v. Kimball* (102 U. S., 691, 702), is as follows:

"Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property as well as the purchase, sale, and exchange of commodities."

If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate not only manufactures but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry. For is there one of them that does not contemplate more or less clearly an interstate or foreign market? Does not the wheat grower of the Northwest and the cotton planter of the South plant, cultivate, and harvest his crop with an eye on the prices at Liverpool, New York, and Chicago? The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multifarious, and vital interests—interests which in their nature are and must be local in all the details of their successful management.

It is not necessary to enlarge on but only to suggest the impracticability of such a scheme when we regard the multitudinous affairs involved and the almost infinite variety of their minute details.

It was said by Chief Justice Marshall that it is a matter of public history that the object of vesting in Congress the power to regulate commerce with foreign nations and among the several States was to insure uniformity of regulation against conflicting and discriminating State legislation. See also *County of Mobile v. Kimball* (supra, at p. 697).

This being true, how can it further that object so as to interpret the constitutional provision as to place upon Congress the obligation to exercise the supervisory powers just indicated? The demands of such a supervision would require, not uniform legislation generally applicable throughout the United States, but a swarm of statutes only locally applicable and utterly inconsistent. Any movement toward the establishment of rules of production in this vast country, with its many different climates and opportunities, could only be at the sacrifice of the peculiar advantages of a large part of the localities in it, if not of every one of them. On the other hand, any movement toward the local, detailed, and incongruous legislation required by such interpretation would be about the widest possible departure from the declared object of the clause in question. Nor this alone. Even in the exercise of the power contended for Congress would be confined to the regulation, not of certain branches of industry, however numerous, but to those instances in each and every branch where the producer contemplated an interstate market.

These instances would be almost infinite, as we have seen, but still there would always remain the possibility, and often it would be the case that the producer contemplated a domestic market. In that case the supervisory power must be executed by the State; and the interminable trouble would be presented that whether the one power or the other should exercise the authority in question would be determined not by any general or intelligible rule but by the secret and changeable intention of the producer in each and every act of production. A situation more paralyzing to the State governments and more provocative of conflicts between the General Government and the States and less likely to have been what the framers of the Constitution intended it would be difficult to imagine.

Fifth. If it be held in fact a regulation of commerce, there is no direct and substantial relation in the provisions of the bill and the commerce assumed to be regulated.

It is difficult to imagine how the requirements of this measure could affect in any direct, practical way the commerce it involves. There is no rule of traffic or transportation laid down by which the facility or safety of commerce is to be promoted; and, as far as can be seen, it would add nothing to and take nothing from the volume of existing commerce. The identical articles sought to be outlawed would continue in the commerce of the future, with the sole difference that an incident of their manufacture will have been changed. Manifestly, then, the regulation proposed can have no effect upon commerce as such. In fact it has no real relation to commerce. It is not intended to have; its effect is entirely retroactive, and is designed to operate upon an ordinary relation of life—that of master and servant engaged in private business—a relation never before nor supposed to be subject to any but domestic law.

That Congress has no power to prescribe arbitrarily a rule for commerce having no direct and substantial relation to that commerce has been adjudged by the Supreme Court in many well-considered cases. One of the most interesting of these, perhaps, was that of *Adair v. United States* (208 U. S., 161), decided at the October term, 1907, in which a portion of the act—known as the Erdman Act—was declared to be unconstitutional. It will be remembered that a section of that act forbade railroads engaged in interstate commerce to discharge from their employment an employee because of his membership in any labor organization. Here both employer and employee, while engaged in the business of interstate commerce, were confessedly subject to any reasonable regulation which Congress might prescribe for the conduct of their business. But the court declared that the regulation described above had no real relation to the commerce sought to be regulated, and for that reason it was beyond the power of Congress to prescribe, unconstitutional, and void. Mr.

Justice Harlan, the same who had rendered the opinion in the *Lottery cases*, so much relied upon to uphold this measure, said:

The power to regulate interstate commerce is the power to prescribe rules by which such commerce must be governed. Of course, as has often been said, Congress has a larger discretion in the selection or choice of the means to be employed in the regulation of interstate commerce, and such discretion is not to be interfered with except where that which is done is in plain violation of the Constitution. * * * In this connection we may refer to *Johnson v. Railroad* (196 U. S., 1), relied on in argument, which case arose under the act of March, 1893. That act required carriers engaged in interstate commerce to equip their cars used in such commerce with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes. But the act upon its face showed that its object was to promote the safety of employees and travelers upon railroads, and this court sustained its validity upon the ground that it manifestly had reference to interstate commerce and was calculated to subserve the interests of such commerce by affording protection to employees and travelers. It was held that there was a substantial connection between the object sought to be attained by the act and the means provided to accomplish that object. So in regard to the employers' liability cases (207 U. S., 463), decided at the present term. In that case the court sustained the authority of Congress, under its power to regulate commerce, to prescribe the rule of liability as between interstate carriers and their employees in such interstate commerce, in cases of personal injuries received by employees while actually engaged in such commerce. The decision on this point was placed on the ground that a rule of that character would have direct reference to the conduct of interstate commerce and would, therefore, be within the competency of Congress to establish for commerce among the States, but not as to commerce completely internal to a State.

Manifestly, any rule prescribed for the conduct of interstate commerce, in order to be within the competency of Congress under its power to regulate commerce among the States, must have some real or substantial relation to or connection with the commerce regulated. But what possible legal or logical connection is there between an employee's membership in a labor organization and the carrying on of interstate commerce? Such relation to a labor organization can have in itself and in the eye of the law no bearing upon the commerce with which the employee is connected by his labor and services. * * * It results, on the whole case, that the provision of the statute under which the defendant was convicted must be held to be repugnant to the fifth amendment and as not embraced by nor within the power of Congress to regulate interstate commerce, but under the guise of regulating interstate commerce and as applied to this case it arbitrarily sanctions an illegal invasion of the personal liberty as well as the right of property of the defendant Adair.

Sixth. It is not a regulation, but an absolute embargo against articles sound and harmless in themselves.

Regulation presupposes the existence of the thing to be regulated; a rule intended to and which does entirely destroy a given commerce can scarcely be deemed in law a reasonable regulation of that commerce.

I do not forget that in legislating upon foods, drugs, explosives, lottery tickets, and, perhaps, other subjects, Congress has so regulated as, in some instances, to proscribe altogether the traffic affected. I am not unmindful of the fact that impure foods have been excluded from interstate commerce; that diseased meats have been denied its instrumentalities; that false and fraudulent branding has been prohibited; that lottery tickets have been excluded from the instrumentalities of interstate commerce; and likewise human beings when transported for immoral purposes. But I would ask any lawyer in this body, aye go further and ask any intelligent laymen, whether or not a single article included in the list has any right of itself to constitute any part of the commerce between the States? The judge who delivered the opinion in the lottery cases paused time and time again to declare that this traffic in gaming was a traffic which no man was entitled to pursue as a matter of right. In those cases Justice Harlan said:

It is a kind of traffic which no one can be entitled to pursue as a matter of right. (*Champion v. Ames*, 188 U. S., 321.)

Mr. McKELLAR. Mr. Chairman, will the gentleman yield? Mr. WATSON of Virginia. Yes.

Mr. McKELLAR. Does not the gentleman believe that the traffic or business of dealing in the labor of little children under 14 years of age is a traffic that no man should have the right to pursue?

Mr. WATSON of Virginia. I will try to answer the gentleman at the proper time. Does any man in this Congress believe that a citizen in one State of this Union should have the right to transport to another State a woman for immoral purposes? Does any man here believe that a consignment of tainted meat has a right to be shipped from one State to another? Does the gentleman from Colorado [Mr. KEATING] believe that an article of goods can be misbranded and a citizen of one State perpetrate a fraud upon the citizen of another State?

I say, gentlemen, without fear of successful contradiction, that in no legislative act of this body from the foundation of the Government has any article, sound in itself, not misbranded, and representing a business which a man had a right to conduct, ever been excluded from interstate commerce.

Mr. DILLON. Mr. Chairman, will the gentleman yield for a question?

Mr. WATSON of Virginia. Yes.

Mr. DILLON. Does the gentleman believe that the National Government should have the right to inspect slaughterhouses to determine the method of construction before the exportation of those meats?

Mr. WATSON of Virginia. Mr. Chairman, that opens a very interesting legal question, which I have not the time to take up at this point. I take pleasure in saying to the gentleman that if I have leave to extend my remarks in the Record, I will try to answer that question.

Mr. DILLON. And one other question. What is the difference between that case and one affecting the welfare of the child?

Mr. WATSON of Virginia. I will try to answer that also.

Now, Mr. Chairman, I am endeavoring to demonstrate the further fact that under its power over interstate commerce Congress has never undertaken to exclude from commerce a single, solitary article which the State itself had not the lawful right, under its police power, to exclude, if it had been able to exercise adequate physical control over it.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit a question?

Mr. WATSON of Virginia. Yes.

Mr. SHERLEY. Has not every State the right to prohibit child labor within the State?

Mr. WATSON of Virginia. I think so.

Mr. SHERLEY. Then wherein lies the applicability of the question?

Mr. WATSON of Virginia. The point I am trying to make is that in all those cases in which Congress has heretofore "outlawed" certain articles from commerce it acted not in contravention of State law and against its inalienable police power, but in aid thereof. My view is that in exercising this power Congress can not invade the police power of the State nor curtail the liberty of its citizens under the fifth amendment.

In all these cases the legitimacy of the act is rested by the courts upon the principle that the articles upon which an embargo was laid never had the right to enter commerce or to use its instrumentalities.

Assuming, then, all that these precedents may imply, can Congress arbitrarily deny admission to interstate commerce of a bolt of cotton cloth, for example, sound in itself, not misbranded, of use and value, and incapable of affecting the peace and morals of those to whom it is consigned, because, forsooth, it has been made by a child in North Carolina, let us say, who had attained the age at which he or she was entitled to work under the law of that State?

This question is predicated upon a concrete case, and upon its correct answer, it seems to me, hangs all the law in this controversy.

Before considering it from the standpoint of the inferences which may be drawn from partially analogous cases already adjudicated by the courts, I invite your attention briefly to the history of the "commerce clause" and the way in which it came to find a place in our organic law.

It is well known that after the Revolution the States early became involved in strife among themselves concerning their trade, both foreign and domestic. The dispute between Maryland and Virginia on this subject led to the convention at Annapolis, and it in turn to the convention at Philadelphia which framed the Federal Constitution.

Under the Confederation each State possessed the right to control the commerce of its own citizens and with the outside world. It could prescribe such regulations as it pleased at its boundaries or forbid trade beyond altogether. Under this system vexatious restrictions upon commerce grew up everywhere, and the prosperity and progress of the newly formed Commonwealths were seriously threatened.

I do not, I think, put it too strongly to say that the strongest motive which drove the States into a Federal Union was commercial—the desire to enjoy freedom of trade among themselves, unhampered by local restrictions and embargoes. Thus was it to escape restrictions and embargoes and have free trade among themselves that the States consented to confer upon the Federal Government the power to regulate commerce.

If these things be so, may it not be said as a matter of history that it was never intended that the power given to Congress should be used to prohibit lawful commerce among the States?

In his excellent commentary on the Constitution, discussing this question, the late John Randolph Tucker said:

Under the Articles of Confederation the States could interdict trade inter se. The grant of power to Congress to regulate commerce was with the purpose not to transfer this power of interdicting interstate trade to Congress, but to leave interstate commerce free, as the Constitution intended, in order to form a more perfect union. Could the Constitution have intended to destroy the freedom of interstate trade by congressional power, when it took it from the States and vested it in

Congress in order to prevent such destruction? (2 Tucker on Constitution, 528.)

And again:

But there is another clause of the Constitution which is clearly a denial of any such power by Congress. It declares that "citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." It will be perceived that this is a declaration of the personal right of every citizen and belongs to him as such. No Federal or State law gives it to him. He holds it by the higher title of the Constitution itself. If, therefore, any regulation of commerce should invade the right conferred by this article, it would be, under Judge Marshall's canon, prohibited to Congress by the Constitution. It is a personal right which neither Congress nor a State can impair.

It is clear, therefore, that this right conferred by the Constitution upon the citizens of each State included free ingress and regress of persons and property and the like, and put them beyond the reach of the power of the States, and, a fortiori, beyond the power of the Federal Government.

Congress may regulate such commerce so as to promote it and secure its safety, but can not forbid it or tax it.

The whole Constitution, in all its parts, looks to the security of free trade in persons and goods between the States of the Union, and by this clause prohibits either Congress or the States to interfere with freedom of intercourse and trade. (Idem, pp. 530, 533, citing 7 How., 413, The Slaughter House cases, the Passenger cases, and Ward v. Maryland, 12 Wall., 410.)

To the same view spoke the Supreme Court in *Railroad Co. v. Richmond* (19 Wall., 584):

The power to regulate commerce among the several States was vested in Congress in order to secure equality and freedom in commercial intercourse against discriminating State legislation; * * * designed to remove trammels upon transportation between different States which had previously existed, and to prevent the creation of such trammels in the future.

Further illustrating the view that the "commerce clause" was framed that the people might be the better protected in their commercial rights and privileges, and not that these rights should be curtailed and destroyed, we may consider the opinions expressed by eminent publicists and authors who have written upon the subject.

Watson, in his work on the Constitution, says:

Clearly akin to the question of regulating manufacturing is the question whether Congress can forbid the hauling of a commodity by a carrier of interstate commerce which was manufactured in a State, for instance, by women and children under a certain age, as has recently been maintained. This question is of far-reaching effect, and if such power exists in Congress it would result in the most complete invasion of the sovereignty of the States by the Federal Government which has ever been accomplished by the Federal Constitution. * * * Has Congress, under the power to regulate commerce, the power arbitrarily to deprive individuals or commercial agencies of the exercise of a privilege which is necessarily inherent in the right of citizenship and the right of transacting business? The Constitution will enforce rights which the citizens of this country are entitled to have, exercise, and enjoy rather than destroy them.

The commerce clause refutes the idea that Congress can prohibit the transportation of an innocuous article by an interstate carrier. The word "regulate" does not mean prohibit. * * * There is no power in Congress to control the manufacture of goods in the States destined for interstate or foreign commerce, and consequently Congress is unable to control the labor of persons engaged in manufacturing products in the States which are intended for interstate or foreign business. Such regulations are left to the State. The power to make such regulations resided there before the Constitution was adopted, or the Union was formed, and it was not surrendered by the States to the General Government. (Vol. I, pp. 524 and 31.)

Ex-President and ex-Judge Taft says:

Bills have been urged upon Congress to forbid interstate commerce in goods made by child labor. Such proposed legislation has failed chiefly because it was thought beyond the Federal power. The distinction between the power exercised in enacting the pure-food bill and that which would have been necessary in the case of the child-labor bill is that Congress in the former is only preventing interstate commerce from being a vehicle for conveyance of something which would be injurious to people at its destination, and it might properly decline to permit the use of interstate commerce for that detrimental result. In the latter case Congress would be using its regulative power of interstate commerce not to effect any result of interstate commerce. Articles made by child labor are presumably as good and useful as articles made by adults. The proposed law is to be enforced to discourage the making of articles by child labor in the State from which the articles were shipped. In other words, it seeks indirectly and by duress to compel the States to pass a certain kind of legislation that is completely within their discretion to enact or not. Child labor in the State of the shipment has no legitimate or germane relation to the interstate commerce of which the goods thus made are to form a part, to its character, or to its effect. Such an attempt of Congress to use its power of regulating such commerce to suppress the use of child labor in the State of shipment would be a clear usurpation of that State's rights. (Popular Government, pp. 142, 143.)

In their valuable book on the Commerce Clause of the Federal Constitution (p. 305), Messrs. Prentice and Egan say:

The right to engage in interstate commerce is one of the rights reserved to the people and one of the privileges and immunities of citizenship. Congress can not lay an embargo upon interstate commerce, nor can it, in national matters, make restrictions of unequal operation among the States. The purpose with which the grant was made—to secure freedom of transportation throughout the country unembarrassed by differing regulations of State lines—measures not only the power of the States but also the power of Congress. (Citing in support thereof the opinion of Mr. Justice McLean in *Grove v. Slaughter* 15 Peters, 449.)

Mr. Chairman, I trust I have found sufficient answer to this question in the negative from the standpoint of history and of

approved text writers upon the Constitution. I come now to consider how may stand the question when tested by the light of judicial decision. It is, perhaps, entirely safe to say that had such a question arisen at any time prior to the period in which the Lottery case was decided, the judgment of the courts would have been adverse to the power claimed here. It is not so much what was decided in that case, as some of the reasons assigned by the court for its decision, which has made it come to be regarded in some quarters as epoch making and making a change in judicial thought respecting the Constitution.

In discussing the right of Congress to exclude lottery tickets from interstate commerce, the judge rendering opinion for the court in that case did ask:

Are we prepared to say that a provision which is, in effect, a prohibition of the carriage of such articles from State to State is not a fit or appropriate mode for the regulation of that particular kind of commerce? If lottery traffic, carried on through interstate commerce, is a matter of which Congress may take cognizance and over which its power may be exerted, can it be possible that it must tolerate the traffic and simply regulate the manner in which it may be carried on? Or may not Congress, for the protection of the people of all the States, and under the power to regulate interstate commerce, devise such means, within the scope of the Constitution and not prohibited by it, as will drive that traffic out of commerce among the States? (*Champion v. Ames*, 188 U. S., 355.)

And, again, he did say:

As a State may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States against the "widespread pestilence of lotteries" and to protect the commerce which concerns all the States, may prohibit the carrying of lottery tickets from one State to another. (*Idem*, p. 357.)

Such, by way of inquiry and illustration, is the reasoning by which the learned judges sought to sustain the judgment rendered in this important case. As far as I know, it was the first time in the judicial history of the country when the intimation was dropped from that court that the Federal Government possessed any general police power, and that Congress, like the States, might legislate objectively for the morals of the general public.

Upon the incidental dicta of this opinion which was delivered in 1902, has been since erected a considerable superstructure of constitutional interpretation, to my mind, unjustified by the event and demanding conclusions far in advance of what was contemplated by the court at the time.

Of such, for instance, was the claim made before your committee by a learned professor of the law in a leading university (see Com. Rept., p. 16) that the validity of an act of Congress like this was no longer to be tried by the Constitution, but by a "legislative and sociological test"—whatever that may mean.

But that decision stands for itself, it is a part of our judicial history, and it is our duty to analyze its meaning and ascertain, if we may, from the surrounding circumstances how far its motives and reasonings are likely to be accepted as a rule for future adjudications of kindred questions.

It will not be amiss to state that the decision in the lottery case came only upon the thrice argued cause, and then from a nearly evenly divided court; the distinguished presiding magistrate feeling constrained to join in an earnest dissent.

That the precise point in issue in that case—to wit, the power of Congress to exclude lottery tickets from interstate commerce—differed in, at least, two very material circumstances from the question involved here, can, I think, be plainly displayed.

First. The lottery ticket represented an illegal business; it was the evidence of a gambling contract which could not be enforced by either State or Federal law; its delivery through interstate commerce was necessary to complete such contract.

In discussing the extent of control that might be exercised upon such an article of commerce, the court said:

In determining whether regulation may not under some circumstances properly take the form or have the effect of prohibition, the nature of the interstate traffic which it was sought by the act of May 2, 1895, to suppress can not be overlooked. It is a kind of traffic which no one can be entitled to pursue as of right. (*Idem*, pp. 355, 358.)

It can not be contended that the product of child labor, made in accordance with State law, occupies any such category in interstate commerce as this: That it represented any unlawful business, or that its delivery through the channels of interstate trade is necessary to the completion of any part of an illegal contract.

Second. The drawing of lotteries and the sale of lottery tickets had been forbidden by municipal law in perhaps every State of the Union, and therefore the exclusion of such tickets from interstate commerce was not only not in conflict with the inalienable police power of the States, but in direct aid thereof.

That this circumstance had material bearing upon the judgment rendered is evidenced by the language of the court:

In legislating upon the subject of the traffic in lottery tickets as carried on through interstate commerce, Congress only supplemented the action of those States—perhaps all of them—which for the protection of the public morals prohibit the drawing of lotteries as well as the sale or circulation of lottery tickets within their respective limits. It said, in effect, that it would not permit the declared policy of the States, which sought to protect their people against the mischiefs of the lottery business, to be overthrown or disregarded by the agency of interstate commerce. (*Idem*, p. 357.)

Surely no analogy can be found between the situation of the lottery tickets herein described—outlawed by every State—and that of child-made goods manufactured in accordance with State law and denied sale in no State in the Union. To prohibit the commerce in the former case was to recognize and uphold the authority of the States over their domestic administration; to prohibit it in the latter would be to subvert local self-government and defy State law.

Furthermore, that the decision in this case might not be drawn upon as a precedent in the future for further extension of legislative power, the court was at pains to declare that it meant to decide no question but the precise one in issue:

We decide nothing more in the present case than that lottery tickets are subjects of traffic among those who choose to sell or buy them; that the carriage of such tickets by independent carriers from one State to another is therefore interstate commerce; that under its power to regulate commerce among the several States Congress—subject to the limitations imposed by the Constitution upon the exercise of the powers granted—has plenary authority over such commerce, and may prohibit the carriage of such tickets from State to State; and that legislation to that end and of that character is not inconsistent with any limitation or restriction imposed upon the exercise of the powers granted to Congress. (*Idem*, pp. 363-364.)

Likewise, to disarm those who might incline to find in this opinion authority for the exercise of arbitrary and unrestricted control over commerce by Congress, the court said:

We may, however, repeat, in this connection, what the court has heretofore said, that the power of Congress to regulate commerce among the States, although plenary, can not be deemed arbitrary, since it is subject to such limitations or restrictions as are prescribed in the Constitution. This power therefore may not be exercised so as to infringe rights secured or protected by that instrument. It would not be difficult to imagine legislation that would be justly liable to such an objection as that stated, and be hostile to the objects for the accomplishment of which Congress was invested with the general power to regulate commerce among the several States. (*Idem*, p. 365.)

So that, Mr. Chairman, after all has been said, it pleases me to believe that the decision in the lottery case, notwithstanding the apparent leaning of its dicta, will work no revolution in judicial thought concerning the Constitution; that the police power of the States—or their authority to regulate the manners, morals, health, and occupation of their people—declared to be inalienable by a long line of decisions from the same court, is substantially unimpaired by that decision; and that an act of Congress not incidentally but objectively nullifying State law will itself be pronounced unconstitutional and void.

CONCEDING IT TO BE CONSTITUTIONAL THE BILL OUGHT NOT TO PASS.

The evil sought to be cured is too limited, both in area and probable duration, to justify the exercise of the immense and sometimes harsh power of the Federal Government.

Besides there is no satisfactory reason for supposing that Congress can deal with it more wisely or effectually than the State legislatures. In fact, the contrary seems much more likely. If it be true that the State is a better guardian for the child than its own natural parents and is ready to make more sacrifices for its welfare, then I would sooner trust the destiny of my child to the wisdom and humanity of the legislature of my own State, familiar with local conditions and able to legislate directly therefor, than to rely upon a distant Congress, unacquainted with local needs, operating through general laws unsuited, it may be, to many localities, and compelled to deal with great social and moral questions, if it deal with them at all, through the doubtful efficacy of indirect and devious commercial regulations.

Indeed, when we consider the vast and conflicting interests of our people—their diversified soil, climate, occupations, and business methods, their inequality of wealth, of educational and industrial development—it is obvious that Congress would possess neither the information nor the means to regulate successfully the domestic affairs of the people upon so large and complicated a field.

Mr. Chairman, to pass this bill now, as was aptly said by another, would be a precedent which would permit "many an error by the same example to creep into the State." It is estimated that over 90 per cent of the products of our manufactures are consumed in States other than those in which they originate, and hence sooner or later find their way into interstate commerce. To permit Congress to prescribe the conditions under which this vast commerce shall be produced is to

give at once power to control by internal regulation the industrial life of the Nation. And will the demand for this sort of law stop with the factory and the mine? Will the legislative lion, having once tested his strength, lie down to rest by the door of the factory and at the mouth of the mine, or will he rise up to extend his conquest to the forest and in the field? The corn of Nebraska, the wheat of Minnesota, the tobacco of Kentucky, the cotton of Arkansas, the cattle of Texas, the lumber of Oregon have all, like the products of the mine and the factory, to find their way to market through the door of interstate commerce. Having fixed the age limit for the factory and the mine, why should not Congress do the same for the farm and the pasture and the lumber camp? And if it fix the age and hours of labor, why should it not prescribe the sex, the language, the educational standard, the task, and the wage of the laborer? Why not? It has twice already prescribed a literacy test for the immigrant seeking a home upon our shores; will it not be ready, if conflicting interests demand, to impose an educational standard upon the domestic workman?

And when it has once had jurisdiction over the vast and complex field of domestic toil—there to regulate the daily lives of the people in the grave social, racial, and economic problems which confront them—what function will there remain for the States to perform in our dual system; what will be left of local self-government—that birthright of our race come down to us all the way from Runnymede to Yorktown?

No; we believe with the Supreme Court in the case of the United States against Knight Co.:

It is vital that the independence of the commercial power and of the police power, and the delimitation between them, however sometimes perplexing, should always be recognized and observed; for while the one furnishes the strongest bond of union, the other is essential to the preservation of the autonomy of the States as required by our dual form of government; and acknowledged evils, however grave and urgent they may appear to be, had better be borne than the risk to be run in the effort to suppress them of more serious consequences by resort to expedients of even doubtful constitutionality. (156 U. S., 12.)

And with a great Chief Justice, now gathered to his fathers, that—

The Constitution speaks not only in the same words but with the same meaning and intent with which it spoke when it came from the hands of its framers and was voted on and adopted by the people of the United States. Any other rule of construction would abrogate the judicial character of this court and make it the mere reflex of the popular opinion or passion of the day. (19 How., 393.)

Mr. KEATING. Mr. Chairman, I yield the remainder of the committee's time to the gentleman from New York [Mr. LONDON].

The CHAIRMAN. The gentleman from New York [Mr. LONDON] is recognized for seven minutes.

Mr. LONDON. Mr. Chairman, there is something very amusing about this discussion and the attacks made upon North Carolina. North Carolina is not the only State that sins against the child. You have 2,000,000 children working in the factories and mines of the United States. They are not all in North Carolina. While I favor this bill, I favor it merely as a step forward. When you regulate child labor you regulate a vice. By regulating a vice you retain it. The proper thing for us to do is not to regulate child labor, but to eliminate it by making it impossible; and the time is not far distant when the awakened conscience of the people will make it impossible for any child below the age of 16 to work in any factory or mine.

When gentlemen lack argument they run to the Constitution for protection. They go to the grave and seek for reasons in the graveyard.

Mr. GORDON. Mr. Chairman, will the gentleman let me ask him a question right at that point?

Mr. LONDON. No; I will not.

The CHAIRMAN. The gentleman declines to yield.

Mr. LONDON. As if all the wisdom of the human race was buried in 1787, as if we had all the time to go back to 1787 to find what we shall do, and what we shall think, and how we shall legislate on every problem that comes up before the people. [Applause.] The generations that came after 1787 have never abdicated the right to legislate. We of this generation have the right to legislate as time demands.

We are told that the white-slave act is constitutional, but that the child-labor law is unconstitutional. Why, if it was constitutional for Congress to legislate upon a simple moral proposition which involves the violation of the decalogue, I say that by exploiting child labor you violate that canon of the decalogue which says, "Thou shalt not kill." [Applause.] And not only the State of North Carolina, but that glorious State of Massachusetts and the other glorious States are alike guilty of that offense. They are still exploiting child labor, and it is a pleasure to see the Republicans and Democrats falling over each other in expressing their love for the child.

I hope to see the day when we shall not only have a national law which shall make child labor impossible, but when we shall have a national compulsory education law which will make it impossible for some States to have 20 per cent of native illiterates. I hope to see that day.

Do not quarrel with the times. Whether you Republicans or Democrats want it or not, you must march along the broad road of social legislation. We, the socialists, hold a whip over you, and compel you to work in the direction indicated by an awakened national conscience. You will have to legislate for the child. You will have to legislate for the workingman. You will have to legislate for shorter hours of labor. You will have to legislate for better conditions. You can not help it. The socialist movement, representing at this moment, it is true, the extreme view, compels you to march forward.

Mr. GORDON. Will the gentleman yield for a question now?

Mr. LONDON. Yes, if I have the time.

Mr. GORDON. The gentleman has the time. Does he consider himself bound by the Constitution which he swore to support?

Mr. LONDON. Yes; certainly.

Mr. GORDON. Would the gentleman vote for a bill if he knew it was in violation of the Constitution?

Mr. LONDON. Certainly not. I consider myself bound by the Constitution; I took an oath to oppose all enemies, foreign and domestic. I consider a man to be a domestic enemy who is a reactionary, and who refuses to heed the lessons of to-day. [Applause.]

Under leave to extend my remarks I submit the following:

The general debate on the subject was confined to two hours—one hour to the opponents and one hour to the advocates of the bill. With a number of gentlemen desiring to speak on each side, the opportunity for a thorough discussion of the essential principles involved in this legislation is rather limited.

Among the industrial demands of the Socialist Party dealing with the conservation of human resources, there is none more appealing than the demand for the prohibition of the employment of children under 16 years of age. I therefore feel constrained to discuss the subject at some length.

The bill purports to obtain an improvement in the condition of child workers. It prohibits the transportation from one State to the other of the products of a mine or quarry in which children under the age of 16 years are employed, or of a factory, mill, and so forth, in which children under the age of 14 are employed, or in which children under 16 are permitted to work more than eight hours a day or more than six days a week or at night.

The bill provides for national supervision. A number of individual States have higher standards.

In every State whenever legislation is proposed that in any way tends to curtail the power of the employer over the helpless employee, whether it be man, woman, or child, the employers of that particular State argue that competition by employers in other States will ruin their industries in the affected State. The New York manufacturers point at New Jersey and say New Jersey will ruin them. New Jersey points at Pennsylvania, Pennsylvania at Maryland, and all of them at the Southern States. The Southern States, with a great deal of merit, argue that Massachusetts and New York and other States still exploit the child.

Industry knows no State boundaries. Ninety per cent of the products manufactured in each State find their way into other States. At the time the Constitution of the United States was adopted the Colonies put all sorts of difficulties in each other's way. Some collected a tax on incoming goods, some on outgoing goods. It was with the object of providing a free flow of commerce throughout the country that the exclusive power was vested in the National Government "to regulate commerce with foreign nations and among the several States and with the Indian tribes."

It is now sought to utilize the power of Congress to regulate commerce between the States in the effort to extend the protection of the National Government over the child in industry.

It is significant that the National Association of Manufacturers has appeared in opposition to the proposed bill. It was the contention of the representative of the National Association of Manufacturers that such legislation was unconstitutional and was within the exclusive province of the States. In State legislatures employers argue that unless the legislation is to be uniform throughout the country industry will be destroyed.

The child bears the brunt of the contest. The child's life is being crushed, while the merry argument goes on. What shall it be, the State or the Nation, that is to save the young from perdition? The answer of the commercial soul is—neither.

In sweatshop and in tenement, in quarry and mine, in factory and mill, North, South, West, and East—everywhere—the child's back is bent as the slave's back was bent in the good old days of chattel slavery.

There is more than one way of utilizing the power now existing in Congress for the benefit of the child. The taxing power of Congress was invoked on behalf of the worker when Congress passed the Esch phosphorous-match law. This law was aimed at and did strike at an industry which was responsible for the horrible disease known as "phossy jaw."

The courts have sustained a law prohibiting the use of the mails for the purpose of sending lottery tickets; the courts have sustained a law prohibiting the transportation of women for immoral purposes from State to State; the courts have sustained the pure food and drugs act, which deals with an ordinary proposition of commercial honesty; dating back to the days when the Prophets called the wrath of Jehovah upon the users of false weights and false measures, every State has been dealing with this problem. Nevertheless the Federal Legislature found it necessary to use the power given to it under the interstate-commerce clause of the Constitution to prohibit the use of the instrumentalities of commerce to fraudulently branded articles.

Under these circumstances it is hard to see how the courts can refuse to sustain the validity of a law which, in response to the new morality of our age, seeks to save the child from destruction.

The proposed law touches only the surface of the evil. There are 2,000,000 children employed in gainful occupations in the United States. "Gainful occupations" is the euphonious phrase used in statistical reports. How gainful those occupations are one can easily gather when he considers the small earnings of families where father, mother, and children, competing with one another, barely eke out a living. That excessive work stunts the body, stupefies the mind, and prevents the normal growth of a human being can no longer be disputed. In a number of industries, through the persistent efforts of organized labor, adults have obtained the eight-hour day. It seems to be universally conceded that eight hours for work, eight hours for sleep, and eight hours for study, exercise, and recreation should be about the normal division of the day in the life of a civilized man. How cruel it is to class the child of 16 with the adult!

There is no attempt made in the proposed legislation to get at the root of the problem of the exploitation of the child. We legislate in dribblets. There is no method about this legislation. It lacks plan and system. Provision should be made to enable the child emancipated from the factory and mine to obtain an education. A helping hand should be extended to the parents who have been forced to send their children to work, so that they may adjust themselves to the change.

There is too much sham, too much hypocrisy, too many crocodile tears about our present child-labor legislation, and entirely too little constructive action. We must eliminate child labor. We must educate the child. We must help the parent in his struggle for existence.

The horrifying details of the underfed condition of children in our large cities are too shocking to be restated here. It is not enough to send a child to school if the child is not to receive sufficient nourishment. According to the report of the United States Commission on Industrial Relations, from 12 to 20 per cent of the school children in our largest cities are noticeably underfed. According to the same report, only one-third of all children in our public schools complete the grammar-school course—and Heaven knows that is not much—and less than 10 per cent graduate from the high schools. Take this in connection with the fact, also brought out by the Commission on Industrial Relations, that in the families of workers 37 per cent of the mothers are at work and unable to give to the children proper attention and you will realize that the problem of the child's welfare is something that can not be left to the philanthropy of the employer, nor to charitable ladies, but that it must be taken up by the people themselves as a fundamental problem. It is a problem of life and death, a problem involving the very safety of this Republic and the very existence of the Nation.

I give here a statistical table showing the latest official figures on child labor from the United States census of occupations, 1910. These include the number of children employed in manufacturing and mechanical industries, in extraction of minerals, in agriculture, and in all other occupations. These figures should be studied carefully. In some States there is no adequate source of information as to the exact number of children employed. Some States fail to provide for the registration of births, and the enumerators must obtain their information as to the age of the child from the employer. In other

cases they obtain this information from parents, who, in their distress and in their despair, misrepresent the age of the children.

The latest official figures on child labor.

[Compiled from United States Census of Occupations, 1910.]

	All gainful occupations.	
	10-13 years.	14-15 years.
Alabama.....	93,594	61,118
Arizona.....	620	1,053
Arkansas.....	55,079	37,371
California.....	1,937	9,314
Colorado.....	1,817	4,047
Connecticut.....	679	10,689
Delaware.....	1,294	2,362
District of Columbia.....	247	1,098
Florida.....	13,465	11,459
Georgia.....	93,098	68,491
Idaho.....	1,028	1,670
Illinois.....	10,551	45,959
Indiana.....	8,954	24,739
Iowa.....	6,493	17,892
Kansas.....	6,857	11,873
Kentucky.....	31,392	33,300
Louisiana.....	29,943	29,739
Maine.....	856	4,570
Maryland.....	7,366	16,801
Massachusetts.....	1,683	31,062
Michigan.....	3,690	15,603
Minnesota.....	5,706	12,658
Mississippi.....	83,969	54,561
Missouri.....	18,175	34,527
Montana.....	524	1,240
Nebraska.....	4,192	8,112
Nevada.....	82	204
New Hampshire.....	317	3,442
New Jersey.....	2,183	23,609
New Mexico.....	2,692	3,114
New York.....	4,852	60,242
North Carolina.....	84,279	60,353
North Dakota.....	2,856	4,496
Ohio.....	8,800	34,046
Oklahoma.....	24,608	21,503
Oregon.....	930	2,575
Pennsylvania.....	14,770	82,125
Rhode Island.....	334	7,742
South Carolina.....	69,232	48,021
South Dakota.....	3,363	4,846
Tennessee.....	44,535	39,421
Texas.....	102,064	72,316
Utah.....	1,130	2,101
Vermont.....	521	2,014
Virginia.....	29,234	32,645
Washington.....	1,285	4,181
West Virginia.....	10,132	13,670
Wisconsin.....	4,230	19,633
Wyoming.....	308	553
Total.....	895,976	1,094,249

With the genius of man evolving machine after machine, with discovery after discovery making the work of man easier and more productive, with steam and electricity harnessed for the use of man, there is no excuse for the exploitation of the child.

The CHAIRMAN. Debate is exhausted. The Clerk will read. The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled—

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word.

Mr. MANN. The section has not been read yet.

Mr. SHERLEY. I thought I would get in on the enacting clause. I move to strike out the last word of the enacting clause.

Mr. MANN. The gentleman can not make the motion until the section is read.

Mr. SHERLEY. I am not sure about that.

Mr. MANN. I am.

Mr. SHERLEY. A motion to strike out the enacting clause would be in order, and if that be true it ought to be equally true that a motion to strike out a part of the enacting clause is in order, without waiting for the first section to be read.

Mr. MANN. The motion to strike out the enacting clause takes precedence after the section is read.

Mr. SHERLEY. I do not want to take the time of the committee in a discussion of that question and will wait until the paragraph is read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce the product of any mine or quarry situated in the United States which has been produced, in whole or in part, by the labor of children under the age of 16 years, or the product of any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States which has been produced, in whole

or in part, by the labor of children under the age of 14 years or by the labor of children between the ages of 14 years and 16 years who work more than eight hours in any one day, or more than six days in any one week, or after the hour of 7 o'clock p. m., or before the hour of 7 o'clock a. m.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word. It is needless for me to say to this House that I have no sympathy with the idea frequently expressed here to-day by those who in their zeal for this measure say that considerations of constitutional power are not made in good faith, or are to be neglected. For my own part, I believe that it is the duty of every Member to decide the constitutionality of a question, and if in doubt to resolve that doubt against the constitutionality, just as I believe it is the duty of every court in passing upon the constitutionality of a law, if in doubt, to resolve that doubt in favor of the constitutionality. A very brief statement will show the reason for that. The court must assume that the legislative body has tried to keep within the sphere of its legitimate activities, and therefore when in doubt gives the benefit of the doubt in favor of the legitimacy of the action of the legislative body. But that body itself, dealing with a matter, in order to be careful that it does not overstep the limits of its power, must decide its doubts against its power.

I say this as a prelude to what I am now going to say, touching the constitutionality of this act. I have not had the time to give to a renewed study of the matter that I would like; but, perhaps, there is no subject that I have studied as much as I have that relative to the power that is conferred under the commerce clause of the Constitution; and while the decision in the Lottery cases is not in accord with what I formerly conceived to be the power of the Federal Government over interstate commerce; while I believe that originally that power was given to the Federal Government in order to keep commerce free from regulation by the States, and without any idea of it being used to regulate even to the point of prohibiting, just as the power was given to the Federal Government over foreign commerce in order to enable Congress to prohibit it, still I hope I am lawyer enough to recognize the finality of a Supreme Court decision; and after reading, and to-day rereading, the decision of the Supreme Court in the Lottery cases, I am forced to the conclusion that this Congress has power to deal with this matter in the way proposed. [Applause.]

Mr. LENROOT. Will the gentleman yield?

Mr. SHERLEY. I yield for a moment.

Mr. LENROOT. Merely for information, I want to ask the gentleman whether he distinguishes between doubt as to the constitutionality of a proposition and doubt as to what the Supreme Court might hold with reference to it?

Mr. SHERLEY. Well, of course, I think a lawyer, or anyone, in considering the constitutionality of a provision must consider it largely in the light of what the court has said the Constitution means. A man who does not do that is more or less lawless, and he has no right to talk about law—and particularly about constitutional law—if he is not willing to accept the law as laid down by the body authorized to decide finally.

Now, coming to the concrete question, the Lottery cases decided, first, that the right to regulate carried with it the right to prohibit. That was the marked forward step taken by the court in that decision. Then, having decided in favor of the right to prohibit, the court held that an intrastate commerce which the States plainly could prohibit as being against morals could be prohibited by the National Government so far as it related to interstate commerce.

Much has been said here on the proposition that the goods themselves are not dangerous or injurious to commerce in any form. That is true; but neither is a lottery ticket. The danger of the lottery tickets to the morals of the people lay in what happened in the State from which the tickets were sent and what might happen in the State to which they were sent; and the Supreme Court held that the Congress had the right to prevent interstate traffic in what it considered an immoral thing.

Now, if you will take the language of Mr. Justice Harlan, found on page 357 of volume 188 of the Supreme Court Reports, and wherever you find the words "lottery tickets" substitute the words "child-made goods," I think you will not have very much doubt that the power exists, if that decision is upheld by the court in the future. Here is what the court said:

As a State may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States against the widespread pestilence of lotteries, and to protect the commerce which concerns all the States, may prohibit the carrying of lottery tickets from one State to another. In legislating upon the subject of the traffic in lottery tickets as carried through interstate commerce, Congress only supplemented the action of those States, perhaps all of them, which for the protection of the public morals prohibited the drawing of lotteries, as well as the circulation and sale of lottery tickets within their respective limits.

Now, I repeat that wherever you find the words "lottery ticket," strike it out and put "child-made goods," and you will find a plain argument for the constitutionality of this law. It is true that goods made by child labor are not in themselves injurious, but the thing that is being aimed at is the evil that arises from child labor. Your law must not be arbitrary as to the subject matter dealt with. But plainly in this case it is not. Now, as I have said, there was nothing that hurt interstate commerce in the pieces of paper, the lottery tickets themselves, but what hurt the morals of the people lay back of that. In my judgment, the only question, if the Lottery decision is to be followed, is this: Whether Congress in the exercise of this power has exercised it in a reasonable way touching a subject matter clearly involving the morals of the people.

Much has been said about the Adair case. The Adair case said that it was not constitutional for Congress to pass a law making it a criminal offense against the United States for a carrier engaged in interstate commerce to discharge an employee simply because he belonged to a union. It held that law unconstitutional because it violated the fifth amendment, and it interfered with the right of contract. Under that decision the States themselves under their police powers could not have done what there was undertaken. But every State has the power to regulate the employment of child labor. No one questions that, and the very argument made by the distinguished gentleman from Virginia [Mr. WARSON] that such right was the test, when applied here upholds the constitutionality of this law.

Mr. HARDY. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. HARDY. Taking the same liberty in the lottery-ticket case, if you strike out the words lottery ticket wherever it occurs and insert in lieu of it the words nonunion-made goods, then you can prohibit—

Mr. SHERLEY. I get the gentleman's question.

Mr. HARDY. Let me finish my question.

Mr. SHERLEY. No; I get the gentleman's question and I will answer it. Congress can not arbitrarily declare that something affects the morals of the people and therefore pass a law prohibiting it. There must be in the subject matter dealt with that which fairly warrants the conclusion that it does affect the morals of the people.

But I say to you that no court of the land, in my judgment, is going to say, when the Congress of the United States declares that the question of child labor is one involving the morals of the people, that it has arbitrarily decided and therefore its action is beyond its power. Therein is the difference between the matter passed on in the Adair case and the question here.

Mr. HARDY. But whenever sentiment gives way—

Mr. SHERLEY. The gentleman's judgment that sentiment is the controlling thing he is entitled to. I say to you that these things are naturally progressive, and as the world moves it learns that some things are immoral to-day that were not so considered before. [Applause.]

Mr. MANN. Mr. Chairman, I rise to oppose the motion of the gentleman from Kentucky to disfigure the bill by striking out the last word. Mr. Chairman, all legislation is evolution. That which is suggested to-day may make an impression to-morrow, may receive favorable consideration from many the next day, and may be enacted into legislation the day after—speaking of days as spaces of time. It was only a few days ago that the people commenced to see the grave danger to the race by the employment of young children in large factories. It was a danger which had not existed before, but in the main became one of grave importance. The States have taken the matter up and have legislated in behalf of the children in the States, but the State that refuses to legislate can send the products of its labor into another State which can not refuse to receive it.

There must be power somewhere in our dual form of Government to exercise control of everything which affects us as human beings. That which can not be exercised by the State, in the main, is wisely left so that it can be exercised by the General Government. Where the State itself can not refuse to receive the goods which ought not to be shipped, the power of the General Government, under the common clause of the Constitution, steps in, and we have the power to say, "Your State may make what it pleases, but you can not transmit it across the State line to another State which does not desire to receive it."

This legislation, as I say, is evolution. We have reached the point where it comes before us. We must determine whether we will do our share to preserve the life, the environment, the education, the possibilities of the child, and also the equalities of the States. I believe that the Republicans, in the main, will now, as ever, favor this righteous and humane legislation.

[Applause on the Republican side.] And while on these subjects of grave and great importance there is always a division on the Democratic side, which splits up their party, I hope that we will be true to our traditions, and that the great mass of the Republicans here will stand for these rights and the progressive legislation which can not be enacted without our vote. [Applause on the Republican side.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 5, after the word "States," insert a comma and the words "or any foreign country."
In line 9, after the word "States," insert the following: "or in any foreign country."

Mr. KEATING. Mr. Chairman, I make the point of order on the amendment.

Mr. LEWIS. Mr. Chairman, I make the point of order that this bill does not relate to foreign commerce, but is expressly and exclusively devoted to American commerce and that the amendment is not germane. This point was ruled upon last year. This is the same bill.

The CHAIRMAN. As the Chair recollects, the ruling a year ago was on a bill similar to this, applying to local interstate commerce, and the Chair held then that an amendment of this character was not in order.

Mr. MOORE of Pennsylvania. Mr. Chairman, the Chair did hold that with respect to a bill pertaining to goods made by convict labor, but it was suggested in the course of the debate that this amendment would be germane in the consideration of a bill of this kind affecting child labor.

If the Chair will bear with me for a few moments, I would like to speak upon the point of order. For some years efforts have been made in the course of legislation, notably with respect to tariff bills and the convict-labor-made-goods bill, to introduce a provision, which, as there was an effort to protect the labor within the United States, would also protect the labor of the United States from unfair competition from abroad. When the convict-labor bill came up in March, 1914, the gentleman from Michigan [Mr. KELLEY] offered an amendment providing that the provisions of the bill as against convict-labor goods shipped between the States should apply also as against foreign child labor. A point of order was made against the amendment by the gentleman from Maryland [Mr. LEWIS]. It was debated for some time, when, after the proponents of the bill had suggested that such an amendment would be proper when a child-labor bill proper came up for consideration, the point of order was held to be well taken. It was only after a quite general discussion that the Chair did sustain the point of order.

Out of the mouths of the gentlemen who advocated the bill to prevent the interstate shipment of convict-made goods, however, came the suggestion that an amendment as to foreign goods should hold over until the then Palmer bill, now the Keating bill, should come up in the House. So I contend, Mr. Chairman, that the conditions are entirely different from what they were then, inasmuch as the gentlemen advocating the passage of the convict-labor bill admitted they were ready to protect the child labor of the United States against unfair labor abroad when the question should come up under a child-labor bill. If the Chair will permit me, I will read from the statement made by the gentleman from Illinois [Mr. BUCHANAN], a member of the committee. He said, and the following discussion ensued:

I hold in my hand a bill introduced by the gentleman from Pennsylvania [Mr. Palmer] to prevent interstate commerce in products of child labor, and for other purposes. Now, it seems from the remarks that have been made here to-day that we are almost unanimously in favor of protecting the children from being exploited for profit in the manufacturing industries of the country. This bill would be a special act, for the reason that it equalizes the proposition throughout the United States, and to this bill, it would seem to me, the amendment that is being considered here to-day could be applied, and treat the child-labor question alike in this country as well as in foreign countries. It could not be said then that we were discriminating against any country in regard to the matter. And if the feeling is so unanimous here, and we are in favor of legislation of this sort, it seems to me after the Labor Committee gets through with its hearings on this question we could get a measure like this up by unanimous consent and be able to pass it in the near future and not load the present bill down with an amendment the utility of which is questioned.

Mr. MOORE. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. BUCHANAN of Illinois. I do.

Mr. MOORE. Does the gentleman think the Palmer child-labor bill would be effective as between the States, and that we could prohibit the transportation of child-made goods from one State to another?

Mr. BUCHANAN of Illinois. I will say to the gentleman that, in my judgment, if he wants my judgment, which probably will not amount to much to the gentleman, as I am not a lawyer, if the Federal Government have such right to legislate in regard to interstate commerce I do not see where the Constitution puts limits on it.

I voted for the amendment of my colleague [Mr. MANN] the other day, and the only objection that I heard to it was that it might be

successfully attacked as to its constitutionality. I have advised with lawyers, who say it was constitutional, and I do not agree with those who thought it could be attacked successfully in that way.

Mr. MOORE. If such a law were effective as between the States, barring child-made goods, why would it not be competent to pass a law here barring the importation of goods made by children abroad?

Mr. BUCHANAN of Illinois. I did not catch that question.

Mr. MOORE. If we are capable of passing a law that would be effective preventing the shipment of child-made products from one State to another, why are we not competent to pass a law to prevent the admission into the United States of child-made products from foreign countries?

Mr. BUCHANAN of Illinois. I endeavored to make it plain that I was in favor of an amendment of that sort, or an addition of that sort being properly attached to this child-labor bill of Mr. Palmer's, but do not think it properly applies to the bill under consideration.

The gentleman from Colorado [Mr. KEATING] and the gentleman from Maryland [Mr. LEWIS], chairman of the committee, and others entered into the discussion, the trend of which, I think, could be fairly interpreted as telling us to wait with this amendment protecting the labor of the United States against child labor in foreign countries until this child-labor bill came up, and that then it would be in order. In other words, they were favorable to the proposition, but they thought that tacking it on to the convict-labor bill would interfere with its passage. The amendment, therefore, is in order now.

Mr. TOWNER. Mr. Chairman, I desire merely to make one suggestion. The authority of statements made by gentlemen during the course of a discussion I do not think would be sufficient to warrant the Chair in ruling upon this proposition. The rule is very plain with regard to the germaneness of questions, at least as to this. It reads that no proposition on a subject different from that under consideration shall be admitted under amendment. Here we have under the terms of this bill a proposition for the regulating solely of interstate commerce. This is a proposition not in any manner relating to interstate commerce, but a proposition to load down this bill with an endeavor to regulate foreign commerce. These two powers are entirely separate under the Constitution, and certainly are separate here. Under that rule we have this decision that in questions of this kind two subjects are not necessarily germane because they are related, and in Fifth Hinds, page 5841, it was expressly decided that to a bill relating to commerce between the States an amendment relating to commerce within the several States was not germane. Certainly if that be true it can not be considered that the proposition here to regulate foreign commerce can be held germane to a proposition enacted solely for the purpose of the regulation of interstate commerce.

Mr. WEBB. Mr. Chairman, the most serious question about this measure that confronts the House is not our desire to regulate child labor, for I suppose we all share that in common within certain limits, but the grave question that confronts you and me in the consideration of this bill is the obligation we took when sworn in as Members of the House to support the Constitution of the United States. I do not think there has ever been a bill presented to this body that more clearly, directly, and boldly undertakes to violate the Constitution of the United States and the reserved rights of the various States than this particular measure. I challenge the advocates of the bill to cite one case on all fours with it that has been passed upon during the last 125 years by our Supreme Court which will uphold their contention, to wit, the right of the Federal Government, through an act of Congress, to go inside the individual States and regulate and control their manufactures and method of production.

Will it be argued here that the Federal Congress would have a right to pass a law providing that nobody in the United States under 16 years of age should work, or that they should only work eight hours a day or for not less than \$3 a day? The merest tyro would say no; that that could not be done. Then, if that is the case, this whole bill is an attempted legislative fraud on the Constitution in an effort to hang onto the interstate-commerce clause of that instrument the power to regulate manufacture and production wholly within a State. I want you gentlemen from States which have laws on child labor to bear in mind that this bill is not aimed alone at the few remaining States which have not come up to the standard arbitrarily set in the bill. It is aimed at your State as well, and will set aside all your laws and turn over to the Federal authorities the administration of child-labor laws.

I would almost risk my reputation, whatever it may be, as a lawyer in saying that the Supreme Court will not hesitate in declaring this bill void; but should it by any possibility become a law, remember that this law is not aimed at the four States that have not yet brought their laws up to what this committee thinks they ought to do, but it is aimed at every one of the States which has child-labor laws, because the sponsors of this bill say you do not execute your laws properly, and they propose

to take charge and send their agents and spies into every factory in your State to see that this law is executed according to their notion; not according to the laws of your State, because it is my opinion that if this bill passes and becomes a law all of your State statutes are wiped out, and Congress takes charge of the whole subject of child labor and will administer the law exclusively. So do not get the false idea that it is aimed at only four States. If it were aimed at only four States, and it is admitted that those States are making rapid progress, that it is only a question of a few years when they will come up to the standard by this committee, what is the use of Congress undertaking to pass a bill through this House in order to coerce those four remaining States to adopt the standard set by this bill? That is not the only object. It is for the purpose of turning over to a bureau here in Washington your entire domestic child-labor internal affairs, which will employ an army of Federal officers to administer your affairs around your factories and manufacturing plants. I do not defend young child labor in factories or defend girl work under the age of 16. For that matter, I wish no woman or child had to work, but in my country we have a lot of widows who are poor and depend upon the labor of their children 13 years old and over for support and a living.

My experience is that if you let a boy grow up to 16 years of age doing nothing except going to school for four months in a year, he is not of much account after that time, because he has not been taught anything by which he can earn a living. Who is the best judge of conditions surrounding working people? Do you think the Federal Congress—do you think a Federal committee is the best judge of how you should govern your purely internal domestic affairs? Has it not been left to the States under our Constitution for the last 125 years to pass on all of those things? Why, if this bill is constitutional, there is no use hereafter of having any amendments to the Constitution of the United States. You can regulate suffrage; you can provide that no citizen of a State shall ride in interstate commerce if his State does not permit every male, able-bodied citizen over 21 years of age to vote. You can regulate divorce and everything that has heretofore been the subject of domestic concern. Do you think you can regulate marriage, and provide that only persons married in accordance with a Federal standard should ride on an interstate train? I have no doubt but that my friends who are advocating this bill will say yes, and yet the Supreme Court, in the case of *Andrews against Andrews*, plainly said that Congress has no power over divorce or marriage; that that is a matter exclusively for the States. If this bill is constitutional, then there are no State rights, and State sovereignty is gone forever.

About six or seven years ago we had this very matter before Congress, and it was being pressed by the National Child Labor Committee and others. This question was up before the Committee on Appropriations, on which the distinguished gentleman from Illinois [Mr. CANNON] and other Members of this House were serving. They had their doubts about its constitutionality, and, not being lawyers, referred this question to the Committee on the Judiciary, of which Judge Jenkins was then the chairman. At that time such distinguished men as Mr. Birdsall, Mr. Charles E. Littlefield, Judge R. W. Parker, once chairman of the Committee on the Judiciary and a Member of this House, Mr. De Armond, Mr. Sterling, of the present House, and others were members of that committee. They reported unanimously on the power of Congress to regulate child labor, and I will give only some excerpts from Judge Jenkins's report. Here is one of them:

Therefore it plainly follows that Congress can not even exercise any jurisdiction or authority over women and children employed in the manufacture of products for interstate-commerce shipment; and certainly it will not be claimed by the foremost advocate of a centralized government that Congress can exercise jurisdiction or authority over women and children engaged in the manufacture of products for intrastate shipment.

I quote further from that report:

Certainly there is no warrant in the Constitution for the thought or suggestion that Congress can exercise jurisdiction and authority over the subject of woman and child labor. If those performing such labor are abused and conditions are such that the same should be improved, it rests for the States to act. The failure of the States to act will not justify unconstitutional action by Congress.

In fact, it is not a debatable question. It would be a reflection upon the intelligence of Congress to so legislate. It would be casting an unwelcome burden upon the Supreme Court to so legislate. The agitation of such legislation produces an uneasy feeling among the people and confuses the average mind as to the power of Congress and the power of the States. The lives, health, and property of the women and children engaged in labor is exclusively within the power of the States, originally and always belonging to the States, not surrendered by them to Congress.

The report was concurred in by every member of that committee.

The committee is of the opinion, therefore, that Congress has no jurisdiction or authority over the subject of woman and child labor and has no authority to suppress the abuses in such labor or the amelioration of conditions surrounding the employment of such laborers.

Now, ordinarily that would end the matter, and it did end it, as for about seven years it was not agitated again. Judge Jenkins has been gathered to his fathers, Judge D'Armond has passed away, and the other members of that committee have gone, except Messrs. PARKER, STERLING, and HENRY. Now we are again asked to undertake to do the same thing that was undertaken then, when it was unanimously declared unconstitutional by the great law committee of the House.

Gentlemen, this House is asked to attempt to do by indirection what every man in this House will agree can not be done directly. If this bill be constitutional, you can regulate not only the hours of labor of children and men and women but you can regulate their pay. You can regulate the question of whether or not manufactured articles shall be shipped in interstate commerce if they are not made by union labor. You can regulate every internal affair that for 100 years has been left to the States of this Union to regulate and control.

Mr. ADAMSON. Will the gentleman yield for a question?

Mr. WEBB. Yes, sir.

Mr. ADAMSON. I desire to ask the gentleman if the same rule of reasoning could not prevent boys from raising cotton and working in the fields?

Mr. WEBB. Oh, yes; if this bill is constitutional, Congress can provide that no cotton picked in whole or in part by a child under 14 or 16 years of age shall be shipped in interstate commerce, just as the arbitrary will of Congress may dictate.

Mr. ADAMSON. And on the same line of argument you could prohibit all children from working and make vagabonds of all the coming generation?

Mr. WEBB. Yes. If this bill is constitutional there are no more rights left to the States at all, if Congress wants to take them away. You can regulate everything, and there is no use hereafter in undertaking to have a constitutional amendment for suffrage, divorce, or anything else. As Rousseau says, whenever you arrogate to one central government all the powers concerning the purely domestic and internal affairs of the people, which have always been left and are still left to the States to administer, then our Government will fall of its own weight. There have been other Republics besides ours, but there never has been a Republic balanced like ours with dual State and Federal sovereignty—the sovereignty of the Federal Government within its sphere and the sovereignty of the State governments within their spheres. The sovereignty of the State government has always been recognized to have the control of all conditions which affect the morals and health of the people.

Mr. BARKLEY. Will the gentleman permit me to ask him a question?

Mr. WEBB. In one moment. It has been decided by the Supreme Court—*Adair against United States*—that any rule prescribed for the conduct of interstate commerce, in order to be within the competency of Congress, under the power to regulate commerce among the States, must have some real or substantial relation to or connection with the commerce regulated. Commerce does not begin until manufacture ends. Congress attempted a few years ago to say that a railroad company could not dismiss a man because he was a member of a labor union, and the court, in the case of *Adair against United States*, decided that whether a man did or did not belong to a union had nothing to do with the regulation of commerce at all, and declared the statute void and unconstitutional. So, gentlemen, I submit that the question whether a child is 14 years and 1 day old or 13 years 11 months and 29 days old has nothing to do with the regulation of commerce. No; it is boldly stated by this committee that it is not the purpose of this bill to regulate commerce, but to regulate child labor. Every man in this House knows, whether he be lawyer or layman, that that has always been left to the State and such power can not be usurped by the Federal Government. I now yield to the gentleman from Kentucky.

Mr. BARKLEY. Is it not a fact that the pure food and drug act prohibited shipment in interstate commerce of adulterated and misbranded foods?

Mr. WEBB. I am glad my friend asked that question. The only line of demarcation the Supreme Court has made in the control of Congress over interstate commerce is to give Congress the power to prohibit the shipment of an article that is deleterious or harmful in its nature.

Mr. LENROOT. Will the gentleman yield?

Mr. WEBB. I yield.

Mr. LENROOT. Will the gentleman state how a misbranded article is necessarily deleterious or harmful?

Mr. WEBB. It is fraudulent.

Mr. LENROOT. Does the gentleman recall—

Mr. WEBB. If you would provide that manufacturers should brand all articles they make by child labor, maybe you could do that as a regulation of commerce, but you can not exclude from interstate commerce such clean, healthful articles on the pretense that you have power over commerce, when really you are undertaking to legislate on the hours of labor and ages of the laborer.

Mr. Chairman, the object of this bill, as shown by the report of the committee, is to regulate child labor. The alleged power we have for regulating it is supposed to be the commerce clause of the Constitution. If we have the power to regulate child-labor in the United States under this bill, and if it is immoral to receive goods made by child labor inside the United States, why not let us go further and say that it is immoral for the people of the United States to receive and consume goods made by child labor anywhere. The amendment is certainly germane to the same subject, to wit, the regulation of child labor.

I can not understand why, if it is competent for this Congress, having this question before it, to legislate on child labor, we can not legislate on all child labor, wherever child labor is used, especially if child-labor-made goods come within the confines of the United States from foreign countries. If we refuse to allow American manufacturers to employ child labor in their manufactories, why should foreign child-made goods be allowed to be introduced in this country? "Morals is morals" everywhere.

Mr. ADAMSON. Will the gentleman yield for a suggestion?

Mr. WEBB. Yes, sir.

Mr. ADAMSON. A good many foreign countries have less success in raising men and women than we have in the Southern States.

Mr. RAGSDALE. Mr. Chairman, I would like to be heard for a moment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. RAGSDALE. Mr. Chairman, as I understand it, the regulation under which they claim this power is a police regulation looking to the protecting of children. As I understand it, what they are striking at is not the shipment from one State to another, but it is the actual work performed in the factory, cannery, or other establishment, by children under a certain age. Now, why should it be a greater crime to say that an article manufactured under those conditions should not be shipped into another State than if it were shipped out of the United States? It is the manufacturing of the article in which they claim the injury consists, and not the transportation of it. Therefore, if we have the power to regulate the shipment of an article from one State to another, certainly we have the right to regulate the shipment of the article from one State through another State and out of the borders of the United States. What this bill seeks to do, Mr. Chairman, as I stated before, is not to regulate the transportation of the article, but it seeks to regulate the manufacture of the article, and it only aims at the transportation of the article in order to prevent its manufacture. Therefore, as it seems to me, this amendment which was offered by the gentleman from Pennsylvania [Mr. MOORE] is but going a step further in the regulation of the production of the article, that the Government has the same right, and this bill should be amended to that extent, and if enacted it should govern, if it is the wisdom of this House, just as much the shipment internationally as it should shipments between the States. [Applause.]

Mr. LINTHICUM. Will the gentleman yield?

Mr. RAGSDALE. I will.

Mr. LINTHICUM. If the amendment is inserted, will the gentleman vote for the bill?

Mr. RAGSDALE. Mr. Chairman, I would not vote for the bill with or without it; but I say this, Mr. Chairman, that certainly the United States Government should not put itself up to maintain a high moral position in order to regulate interstate commerce, and then say that the same position on morality should not obtain to international shipments. [Applause.] I say, Mr. Chairman, that if it is wrong for the United States Government to permit the great transportation arteries to be used to transport articles of this character between the States, then it is equally wrong to take the ships that sail the high seas, that are under our flag, under powers that we give them, protected on the seas by our fleets, and transport them to other countries.

Mr. ADAMSON. Will the gentleman yield for a question?

Mr. RAGSDALE. Certainly.

Mr. ADAMSON. Would it not be just as immoral to import lottery tickets from abroad as from one State to another?

Mr. RAGSDALE. Absolutely; as my friend, with his usual good judgment, states so pertinently. Mr. Chairman, another thing: It seems to me the United States Government is not seeking to regulate the importation of articles manufactured by children abroad, but we could not in decency attempt to do that, Mr. Chairman, if we permitted our own articles to be exported abroad manufactured under those conditions. If it is a moral question to be controlled by the legal proposition, the position of the gentleman from Pennsylvania is well taken, and it seems to me that there could be no question as to the legality of this amendment. [Applause.]

The CHAIRMAN. The Chair is ready to rule.

Mr. POUL. Mr. Chairman, the subject matter of this bill is the elimination from the Congress of the United States of goods manufactured by child labor. It is to shut out from all commerce of the United States goods of that character. Now, I respectfully submit that it is germane to this subject, which is the exclusion of a certain kind of goods, for this House to consider an amendment that goods shall not be put in commerce coming from, for instance, Canada, and from inside the United States.

Mr. CANNON. Mr. Chairman, I understand this bill, if enacted into law, prohibits goods made by child labor in one State from being transported to and sold in another State. Some say this is done to preserve the children; others say it is to protect the States that prohibit child labor from competition with the products of child labor in States that do not prohibit the same.

There is nothing in this bill that prohibits States employing child labor from shipping their products to any foreign country in the world, nor is there anything in the bill which prohibits the world from shipping into the United States and selling therein, in competition with goods made in States of the United States where child labor is prohibited, goods made by child labor in such foreign countries.

The proposed legislation is sought to be justified under the Constitution, which provides that "Congress shall have power to regulate commerce among the States and with foreign countries." If the bill is enacted into law, it seems to me that the competition with foreign countries which employ child labor is much more serious than the shipment of the products of the few States which do not prohibit child labor into other States. So that this amendment, in my judgment, is in order. It seems to me that the bill should be amended so as to protect the United States against the child labor of the world.

Mr. BORLAND. Mr. Chairman, I want to be heard for a moment on the point of order, especially on the question which has just been brought up by the last two speakers. The gentleman correctly says one of the great purposes of this bill is to control and prohibit a moral wrong. That moral wrong consists of the production of goods by children under conditions that are deleterious to health and to morals and the peace of society. That moral wrong occurs at the place of production of the goods. There is another equally important element connected with the prohibition of child-made goods, and that is the economic wrong. That economic wrong occurs at the point of consumption or at the point of sale, where really the goods are coming in competition with the labor of adults who are supporting families and who are supposed to have an adequate wage for that purpose and with the goods of manufacturers who are working under conditions of humane organization of their departments.

But the gentlemen have confused the two questions of the moral and economic wrong. This bill can not deal with the moral wrong, if such there be, of child labor in foreign countries. It is not intended for any such purpose. It can, however, put the States of this Union upon an equality, so far as moral conditions are concerned, by providing that goods manufactured under immoral conditions in one State can not be sent to another State, but must be used in the States where they are manufactured. Now, the gentlemen have confused the economic results of the bill with the moral results of the bill, and the point of order is well taken that this particular amendment, seeking to reach moral conditions beyond the jurisdiction of this country, is not germane to the present bill, however desirable it might be to have it effected by legislation.

The CHAIRMAN. The Chair is ready to rule. It will be understood that the Chair has nothing to do with the merits of the feasibility of extending this act to foreign commerce. His province is to determine whether or not the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] is germane to the bill now pending. The House is familiar with the principle that to one specific subject another specific sub-

ject is not in order. This has been held in the House time and again. It seems to the Chair that most of the gentlemen who have argued in favor of this proposition have discussed the power of Congress to regulate both interstate and foreign commerce rather than the question of whether a proposition regulating foreign commerce is germane to a bill regulating interstate commerce. Two subjects are not necessarily germane to each other because they are related. The Chair believes that this is a bill to regulate child labor in interstate commerce, and, therefore, that an amendment proposing to extend it to foreign commerce is a different matter, and is not in order. Therefore the point of order is sustained.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 1, line 5, after the word "States," by inserting the words "or imported from any foreign country."

Mr. LEWIS. Mr. Chairman, I make the same point of order on that. I think that can be disposed of without any further argument.

The CHAIRMAN. The Chair does not care to hear, unless the gentleman from Pennsylvania wants to make an argument.

Mr. MOORE of Pennsylvania. Mr. Chairman, I think this is clearly interstate commerce now. The amendment relates to goods within this country. It does not relate to goods made in any foreign countries, except as they are already in this country. It applies to goods that have arrived here and are going into interstate commerce. We are trying to protect the workmen of the United States against unfair child labor abroad. That is the purpose of the amendment.

Mr. LEWIS. The gentleman is trying to protect the Republican Party and not the workmen of the United States.

Mr. MOORE of Pennsylvania. I quote the gentleman last year against the gentleman this year. He was in favor of some such provision as this then.

Mr. LEWIS. I make the point of order, sir.

The CHAIRMAN. The gentleman from Pennsylvania will observe that the committee has limited this bill to child-labor goods produced in the United States. The child-labor goods produced in foreign countries are another matter. If the gentleman will turn to the Record of a year ago, he will find where the Speaker overruled the Committee of the Whole on the same identical proposition. In that case the Speaker held that where the committee had limited the application of the bill to the products of one kind of labor, a proposition to extend it to the products of another kind of labor was not germane. The Chair thinks he ought to follow the ruling of the Speaker where the Speaker was sustained by the House.

Mr. MOORE of Pennsylvania. Will the Chairman permit an interrogation?

The CHAIRMAN. Certainly.

Mr. MOORE of Pennsylvania. Would not the effect of the ruling of the Chair as to previous amendments and also as to this, if the Chair should sustain the point of order, be that the shipment, interstate, of goods made within the United States would be prohibited, while the shipment, interstate, of goods made in foreign countries would not be prohibited?

The CHAIRMAN. Now, the gentleman from Pennsylvania [Mr. Moore] is asking the Chair something he could determine for himself. It is the province of the Chair to follow the rules of this House as they have been laid down by precedent. The committee has limited the scope of this bill to the products of one class of labor, namely, child labor, in the United States. The gentleman from Pennsylvania seeks to extend its operation to another class of labor. It is immaterial whether the Chair is or is not in favor of the proposition. The present Speaker of the House ruled on this identical question over a year ago, and the Chair feels constrained to follow the ruling of the Speaker, and therefore, sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I respectfully appeal from the ruling of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania appeals from the decision of the Chair. The question is, Shall the ruling of the Chair stand as the decision of the committee?

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 103, noes 42.

Mr. MOORE of Pennsylvania. On that I demand the yeas and nays.

The CHAIRMAN. The gentleman can get the yeas and nays when the bill is in the House.

So the ruling of the Chair was sustained.

Mr. MOORE of Pennsylvania. I offer an amendment.

Mr. RAGSDALE. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Moore] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 1, line 7, after the word "any" and before the word "mill," by inserting the words "farm, plantation, waterway."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, evidently this is a germane amendment, because the gentleman from Maryland [Mr. Lewis] has not raised the point of order against it. It is such an amendment as I do not believe I am personally in sympathy with [laughter], although it is an amendment, being germane, which gives me the opportunity to say that, while I respect him highly, as much as I do any man in the House, the rulings made by the Chair a little while ago are clearly in the line of the encouragement of child labor in foreign countries as against the conditions that hold in the United States, where we are passing drastic child-labor laws.

The gentleman from Maryland [Mr. Lewis] seems to think there is some politics in this suggestion. There has been some politics in this suggestion for some time, but it has emanated very largely from the other side. This side, so far as I have knowledge, has persistently endeavored to protect the labor of the United States as against unfair foreign conditions. We undertook to do this when a low-tariff law was passed in this House in October, 1913.

Mr. BORLAND. Mr. Chairman, I raise a point of order—

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. Not just now. This question was raised when a low-tariff law was passed against our protest, which brought this country, in an industrial sense, to its lowest possible ebb.

We are recovering somewhat from that condition now, due to the unfortunate war in Europe, which gives excuse to gentlemen on the other side to play about as much politics now in wriggling out of the hole into which they got themselves when they passed the low-tariff law, as they are entitled to. They did not permit us to put an antidumping clause in the tariff law, which, I think, they are themselves now about to suggest that we assist them in doing. They did not permit us to put into the tariff law a provision limiting imports from foreign countries where goods were produced under working conditions and hours of labor that must compete with the goods produced in the United States under more favorable conditions. They knocked out the eight-hour provision as against foreign labor which we wanted to insert in the low-tariff law.

Then the convict-labor bill came along, and the gentleman from Maryland [Mr. Lewis] suggested what he was going to do for the working people of this country. He favored restrictions on the shipment in interstate commerce of goods made by convicts in the United States, but when we offered a provision proposing that we should extend protection to the people of the United States as against the convict-made goods of Europe the gentleman winced and claimed, as he claims now, that we were playing politics. We were told then to wait for the foreign child-labor question until the child-labor bill came up, but now, when the child-labor bill is up, they do not want us to protect the American end of it. We have asked that the producers of the United States be protected against unfair child labor in Europe, whose products, as we learn from the imports, are coming into the ports of the United States along with other free products to such an extent that the Treasury of the United States is being impoverished for want of revenues. Apparently our friends on the other side are only endeavoring to put a thumbscrew upon some of the Southern States which up to this time have not passed child-labor laws such as some other States of the Union now have.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WEBB. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WEBB. Is it in order to move to strike out words in the bill?

The CHAIRMAN. Yes.

Mr. WEBB. Then, Mr. Chairman, I move—

Mr. SHERLEY. Mr. Chairman, I desire to be heard before the Chair makes a ruling along those lines, because the Chair will find a long line of precedents in rulings by Speaker Carlisle and Speaker Reed and several other distinguished Speakers holding that where the effect of striking out words is to change the scope of the bill it is not in order.

The CHAIRMAN. Upon reflection, the Chair thinks the gentleman from Kentucky is correct. The Chair was in error in making his answer. An amendment is now pending before the House. If no one desires to speak on that amendment—

Mr. AUSTIN. Mr. Chairman, I wish to discuss the bill for five minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] is recognized for five minutes.

Mr. AUSTIN. Mr. Chairman, I was not in the House during the general discussion on this bill, and therefore I avail myself of this opportunity to say a few words under the five-minute rule. I believe I have always voted in the interest of labor since entering Congress and shall vote for this bill. But before doing so I want to talk to the Members of this House in reference to its effect if we do not increase the tariff duties on cotton, woolen, and knit goods.

This past summer I visited cotton and woolen mills in Japan and China and made a personal investigation. I examined a cotton mill in Kobe, employing 9,000 Japanese girls and boys; a spinning mill between Yokohama and Tokyo, employing 4,500; a woolen mill employing 1,500 at Tokyo. Then I personally inspected a cotton mill at Shanghai, China, and another employing 4,500 Chinese boys at Wuchang, 600 miles in the interior of China, on the Yangste River. I found in Japan they were paying from 8 cents to 15 cents a day for 11 hours' work in cotton, woolen, spinning, and knitting mills, and in China they were paying boys 5 cents a day for 11 hours' work. There are 525,000 Japanese women and girls in the textile mills of Japan alone and 66,000 men and boys.

Now, this bill is going to result in increased cost in the production of cotton, woolen, and knit goods. You will have to admit this. We are going to pass legislation which will result in increasing the cost of producing American cotton, woolen, and knit goods at a time when our tariff on the importation of these same foreign-made goods is lower than ever before in the history of this country.

Now, we sold \$30,000,000 of American-made cotton goods in China a few years ago. I think the report of the Secretary of Commerce will show that last year we sold \$1,200,000 in China, where we had formerly sold \$30,000,000.

Now, the lowest wages paid in the knitting and cotton mills in the district I represent—and there are 2 large cotton plants and 15 knitting mills—is 50 and 60 cents per day for beginners, and when they understand their work their wages are increased to \$1 and as high as \$1.50 per day. Our mills must compete in the foreign markets with mechanics, with employees, with the same kind of modern, up-to-date machinery, who are working for 5 or 8 or 15 cents a day, as against 50 and 60 cents and \$1 and \$1.50 a day.

What do our foreign returns show on cotton-goods importations? They show that in 1913 and 1914 there was imported into the United States and into the Philippine and Hawaiian Islands, where our present low-tariff law applies, \$105,000,000 of foreign-made cotton goods; \$25,000,000 more than we sold abroad, and we produce 60 per cent of all the raw cotton in the world.

This bill is going to injure seriously this great industry in the South, unless Congress increases the tariff duty on imported cotton, woolen, and knit goods.

If we will increase the tariff, well and good; but if not, then look out for a very large increase in the sale of European and Japanese cotton, woolen, and knit goods in the United States, and the closing of many American mills or the reduction of the hours of work or wages in our textile mills.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, as I do not intend to support the amendment I have offered, I ask unanimous consent to withdraw it and present another one.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw his amendment.

Mr. HARDY. Mr. Chairman, I rise to a point of order. We have had three or four speeches in favor of this amendment, and I think we ought to be permitted to say something in opposition.

The CHAIRMAN. There is a question of unanimous consent pending. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HARDY. I object.

The CHAIRMAN. The gentleman from Texas objects.

Mr. HARDY. I object just in order to be heard myself, Mr. Chairman, not that I have any objection to the withdrawal of his amendment. It appears to me that we see very plainly the purpose of his amendment. If the protectionists could secure

the injection of this amendment into this law they would need no more protection, or high tariff, or anything else to secure to the manufacturers of this country a monopoly of the markets of this country. As a matter of fact, if you applied the principle of this bill to goods imported from abroad there would not be an opportunity for the importation of any goods from abroad or the collection of any revenue from the importation of such goods. The gentleman last addressing the House [Mr. AUSTIN] has illustrated how all Japanese goods would be excluded under the provisions of this bill, if it applied to foreign-made goods; and I doubt not that the importation of goods from every country of Europe would be likewise excluded by this bill if extended as proposed by the amendment. The truth is the gentleman from Pennsylvania illustrates very clearly that he is not so much interested in child labor as he is in protection. He is like the merchant of Venice. It is a case of my ducats and my daughter, of protection and child labor; but which he thinks the most of is not hard to tell. In the innermost recesses of my soul I think he cares more for protection, and if he could so amend this bill as to provide that no goods made abroad in the making of which child labor, so called, entered would be admitted into the United States he would exclude all foreign-made goods. And yet this bill offers the anomaly of excluding from the commerce of one State goods made in a sister State, while admitting goods of the same class and character when made abroad. That fact alone ought to condemn this bill.

Mr. LEWIS. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto close at the end of 10 minutes.

Mr. VARE. Reserving the right to object, I have an amendment I should like to offer.

Mr. LEWIS. Is there objection to closing debate in 15 minutes?

The CHAIRMAN. The Chair understands the gentleman from Maryland to ask unanimous consent that all debate on this section and amendments thereto close in 15 minutes. Is there objection?

Mr. BYRNES of South Carolina. I object.

Mr. HARRISON. I have an amendment I desire to offer.

Mr. MANN. Let us see if it is possible to reach an agreement, because we are going to stay here and pass this bill.

Mr. LEWIS. I will withdraw the application at this time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to withdraw his amendment.

Mr. RAGSDALE. I object.

The CHAIRMAN. The gentleman from South Carolina objects, and the question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. RAGSDALE. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] knows very well that this is one of the bills that has been introduced into this House for the purpose of injuring the South in its relation to the other States. Already in those matters in which transportation is involved, legislation has been enacted that has struck us very hard blows in the past. To-day, if the people of the South want to transport their raw or manufactured products to another State in the Union, they have lost absolute jurisdiction over any of the railroads transporting that product.

The people of the South to-day may want to transport their products by water into any other State, but, as the gentleman from Pennsylvania well knows, they labor under a disadvantage that has operated against them for years. To-day you can load two ships in the ports of Europe and send one to India and one to South Carolina and reload each one of those ships with cotton. You know that if these ships were not built in the United States the ship that comes from India can take the products from India and sell them in any port of the United States, while the ship that is loaded in South Carolina or at any other southern port can not take an American product and deliver it in any other State in the Union.

The iniquitous system of protection that the Republican Party has foisted on the people of the United States has stifled commerce between the States, and has laid a burden of expense in transportation under which the people of the South have suffered and the flag driven from the seas. For that reason, Mr. Chairman, I am opposed to further legislation that restricts our rights, that puts a further burden upon us, and that interferes with our right to create, to manufacture, and to sell at will in the markets of this country and in the markets of the world that which we produce honestly and sell honestly and to take fair compensation for that which we produce and offer for sale.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

Mr. HARRISON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 7, after the word "of," strike out "16" and insert in lieu thereof "19"; in line 10, strike out "14" and insert "18"; in line 11, strike out "14" and insert "18"; and, page 2, line 1, strike out "16" and insert "19."

Mr. LEWIS. I make the point of order on the proposed amendment that it does not deal with children. People 19 years of age are not children.

Mr. HARRISON. I should like to ask the gentleman if that is all he has to say in support of his point of order?

The CHAIRMAN. The Chair overrules the point of order.

Mr. HARRISON. Mr. Chairman, there appears much sentiment among the Members here in behalf of the children of the country. I concede to no Representative on this floor a greater interest in their health and welfare than I have. I think the States of this Union all should pass humane child-labor legislation. The agitation of this question in this country, as you know, grew out of the conditions in the mills and factories and treatment of little children in the towns and cities of the East. Conditions that called for rigid child-labor legislation. There you would find a mill or factory employing little children whose health, intellect, and body were weakened and impaired.

These conditions forced State legislatures to pass appropriate child-labor legislation. The conditions I have briefly referred to do not obtain in the mills and factories of the South.

There are few factories in my State. Only one cotton mill in my district. The operator of that factory is for this legislation. The gentleman from Michigan [Mr. FORBNEY] knows him well, and that gentleman wrote me on yesterday that he favored this legislation. You will see, therefore, that all these operators are not opposed to this bill. He may be the exception, for he is a splendid man, patriotic and broad minded.

This question, therefore, does not affect me locally. My State legislature knows more about conditions there and is better enabled to pass appropriate legislation to meet those conditions than is the Federal Congress. Conditions in the mills and the factories of the South are splendid. If you should pass through the States of South and North Carolina, you would see these factories and mills erected on hills with ideal sanitation, and beautiful homes, schoolhouses, and churches built far apart.

There is no comparison between the conditions that obtain in the South and the conditions that did obtain in other parts of the Union until recently respecting child labor.

Sirs, I am against the Federal Government exercising this power. It is a dangerous precedent and will, if passed, rise to plague many of you. But if you are sincere in your arguments for this legislation, if you really want to stop by Federal law the employment of children in the mills and factories and mines of the country, then vote for the amendment I have offered. It raises the limit and prevents the transportation of goods from without a State where the labor employed is younger than 19 and 18 years.

Now, vote for this amendment and back up your assertions by your actions.

Mr. MANN. Does not the gentleman think the age limit ought to be considerably raised?

Mr. HARRISON. I think the ages I suggest are sufficient.

Mr. KEATING. Mr. Chairman, the gentleman from Mississippi [Mr. HARRISON] has made a very eloquent appeal for the protection of children of 18 years in manufacturing establishments and 19 years in mines and quarries. The gentleman is blind to the fact that now in North Carolina children of 13, and maybe younger, are being worked 11 hours a day. He has not a word of condemnation for that; but instead comes in here and, while appealing to this House to assist him to safeguard those who are 18 or 19 years old, joins the enemies of the bill and endeavors to mutilate it.

That is the record the gentleman from Mississippi is making on the floor of this House. I am amazed that he of all men from the South should take such an attitude, because he belongs to the newer generation in the Southern States. Does the gentleman know that the testimony before our committee demonstrated that the children affected by this bill, the children who work in the cotton mills of the South, are Anglo-Saxon? One cotton-mill owner boasted that only white children worked in his mill. Another witness testified that it was a common spectacle to see white children on their way to work in the mill passing black children on their way to school. I submit, as a friend of the South, Mr. Chairman, that there is one section of this country that needs this legislation more than any

other section, and that section is south of the Mason and Dixon line. [Applause.]

Mr. HOWARD. Mr. Chairman—

Mr. MANN. Mr. Chairman, I make the point of order that debate on the amendment is exhausted.

Mr. HOWARD. I move to strike out the last word of the amendment.

Mr. MANN. That is not in order; there is an amendment pending. The gentleman, like myself, will have to wait until we have a vote.

Mr. HOWARD. I offer to amend by striking out the word "fourteen" and inserting the word "thirteen" in section 1.

Mr. MANN. That amendment is not in order.

The CHAIRMAN. Debate on this is exhausted, and the amendment of the gentleman from Georgia is not in order.

Mr. HAY. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia may be allowed to proceed for five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Georgia may proceed for five minutes. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The question is on the amendment offered by the gentleman from Mississippi [Mr. HARRISON].

The question was taken, and the amendment was rejected.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 1, after the word "year," in line 10, by inserting "except during the periods of regular school vacations, work not to exceed eight hours in any one day."

Mr. WOOD of Indiana. Mr. Chairman, I desire to say that I am heartily in favor of the purposes of this bill. I take it that the prime purpose of the bill is for the protection of the child. I am also interested in the further protection of the child, and I believe in strengthening this measure. If this bill becomes a law as it is, during the school vacation there will be an army of children in this country in enforced idleness. We were told yesterday by the gentleman from New York [Mr. BENNET] that in the city of New York there are 750,000 school children. I dare say of that number one-half of them by reason of this bill, if it passes without the amendment I propose, will be idle entirely during school vacation.

If there is any one thing that the children, especially the boys of this country, should be protected in, it is from idleness between the ages of 12 and 16 years. It is during that period that their habits for weal or for woe are made. It is the formative period of their character, and if they are educated along the lines of idleness they will be idlers during their entire lives. As I say, I am in favor of the purposes of this bill. I think it should be strengthened by adding an amendment something like this that I have offered, whereby the children during the period of vacation may find some kind of employment. In Indiana, Ohio, Illinois, and many of the Western States, where we have large canneries that can vegetables, pumpkin, beans, the work is done during the period of vacation, from the latter part of July to the latter part of September. The work is not hard, and these boys from 10 to 16 years of age can find remunerative employment.

I want to say that I expect if we took a vote of the men in this body and at the other end of the Capitol Building we would find that everyone of them found employment during that period and that it did not detract from them, but made them stronger and more useful men. There are many who absolutely need it; there are many poor men who are working hard to sustain their families; and there are many widows who are working hard at the washtub to sustain their families who are in favor of educating their children but want them to find some employment during school vacations to help sustain the family.

This great army of young children in the city of New York can not go into the country, and what exists there exists all over this land.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. DENISON. Does the gentleman know that the laws of New York and of Indiana and Illinois and of other States which the gentleman has mentioned all forbid the employment of children within the ages mentioned in this bill, and those exceptions are not given in the laws of those States?

Mr. WOOD of Indiana. It would not apply, I know, in the State of Indiana. I know that in Indiana children during the school vacations may work in these factories. I do not know whether it is true in the State of Illinois or not.

Mr. DENISON. Does not the law of Indiana forbid the employment of children of the same ages or within the ages fixed by this bill the whole year around?

Mr. WOOD of Indiana. No; it does not.

Mr. DENISON. I think if the gentleman will refer to those laws he will find that he is mistaken. I have an abstract of the Indiana law in front of me. I am sure I am right about the law in Indiana.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HOWARD. Mr. Chairman, I desire to be heard in opposition to the amendment of the gentleman from Indiana. As I was attempting to say a while ago when the gentleman from Illinois [Mr. MANN] interrupted me, I presume that when my delegation votes on this measure I will be as lonesome as a martin on a fodder pole. I have heard a good deal said about the South and southern conditions, and they are no worse there than they were everywhere only a few years ago. I have tried to find a single reason why I should vote against this bill. I read all of the hearings and the argument made before the Committee on Labor by the distinguished and able gentleman from North Carolina, Ex-Gov. Kitchin. Then I read the argument of Dr. Parkinson, and after reading both of them my mind was still in doubt as to the constitutionality of this bill. I wavered; I could not arrive at any conclusion definitely as to whether it was constitutional or not. So I decided that I would give the benefit of the doubt as to the constitutionality of the measure to the innocent childhood of my State, and I am going to do it. The law in Georgia is not like the law in the Carolinas. Our age limit is two years higher. We have, as a rule, a lot of broad-minded, humane, and patriotic men engaged in the manufacture of cotton in our State. [Laughter.] The manufacturers of Georgia are not now attempting to wring gold out of the bodies of innocent little children. The strong arm of the State law protects them under the age of 14, and they do not work them under this age lawfully any more.

The astounding thing to me is that there is any necessity for this law anywhere. The mill owners testify themselves that only a very small percentage of their employees are children under 14 years of age. If this is true, the law we are debating will not harm a hair upon their heads. If it is not true, then this bill should unquestionably become a law.

We hear much about the mill owners and the poor widows, but they are not wholly to blame for child-labor conditions. In a great many cases trifling, no-account, drinking daddies are as much to blame for conditions in the South as they are in any other section of this country. They have large families—five, six, and seven children; they are not willing to make a living by the sweat of their faces, and they move their families to a mill town and put their innocent little children in pawn that they may live in idleness and ease, and there is not a man from the South or from any section of the country that does not know that that is true. [Applause.]

The other day the cotton manufacturers from my section came up here and said to the Ways and Means Committee: "We want you to join in with us in giving us protection for aniline dyes, that this particular industry may be conserved to the cotton manufacturers of the country. We need this protection to encourage the manufacture of dyestuffs in America." [Applause on the Republican side.] I say to these gentlemen: "Yes; if I believe the necessity exists for you to have protection upon aniline dyes, I will vote for it." [Applause on the Republican side.] But I, in turn, say to those same gentlemen now that I believe that we need protection for the childhood of the South; that they may be granted that privilege which is the sweetest heritage of life—childhood days of play and physical development.

Mr. Chairman, we must protect and conserve their intellects; they must have a chance in life. We must protect them from designing and mercenary men engaged in business. We must protect them from worthless fathers and thoughtless mothers. We must educate them intellectually and morally. The ignorance of our people is our greatest weakness, and our greatest asset is our children—educated in mind, strong in body, clean in morals. Compulsory education, strict child-labor laws, in my humble judgment, are imperative in the making of a nation great. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I am glad to see that another mourner has come forward—

Mr. KEATING. Mr. Chairman, I think debate on this particular amendment has been exhausted.

The CHAIRMAN. No one made the point of order, and the Chair recognized the gentleman from Iowa.

Mr. KEATING. I make the point of order that debate is exhausted.

The CHAIRMAN. The point of order is sustained. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. DALLINGER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend section 1, page 2, line 4, by adding at the end thereof the following paragraph:

"It shall be unlawful for any carrier of interstate commerce to transport or accept for transportation in interstate commerce the products of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment offered to it for transportation by any person, firm, or corporation which owns or operates such mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment, or by any officer, agent, or servant of said person, firm, or corporation, until the president, secretary, or general manager of such corporation, or a member of such firm, or the person owning or operating such mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment shall file with said carrier an affidavit setting forth that none of the products so offered have been produced, in whole or in part, by the labor of children under the age of 14 years, or by the labor of children between the ages of 14 and 16 years, who work more than eight hours in any one day, or more than six days in any one week, or after the hour of 7 o'clock p. m., or before the hour of 7 o'clock a. m.: *Provided, however,* That in lieu of the affidavit hereinbefore provided the president, secretary, or general manager of any corporation, or the member of any firm, or any person owning or operating any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment, as aforesaid, may file with the Secretary of Labor a general affidavit setting forth that for the six months preceding the filing thereof in said mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment no children under the age of 14 years were employed in any capacity, and that no children between the ages of 14 years and 16 years, who have worked more than eight hours in any one day, or more than six days in one week, or after the hour of 7 o'clock p. m., or before the hour of 7 o'clock a. m., which general affidavit shall be renewed each six months thereafter. The form of said affidavits shall be prescribed by the board composed of the Attorney General, the Secretary of Commerce, and the Secretary of Labor, as hereinafter provided."

Mr. DALLINGER. Mr. Chairman, I want to say at the beginning that this amendment is offered in good faith; that I am heartily in favor and always have been of legislation to prohibit the labor of children under these ages, and as a member of the legislature of my own State I had more or less to do with securing the enactment of similar legislation. I am firmly convinced, however, that some such amendment is necessary to make this legislation effective and capable of accomplishing the result which most of us really desire.

It seems to me, Mr. Chairman, that the trouble with the bill as it has been reported by the committee is not with its constitutionality—and I want to say in passing that I have been surprised to hear Members from the Southern States who yesterday voted for a roads bill appropriating money out of the Federal Treasury for purely local roads and bridges, raise that question against this measure, but the trouble I find with this bill is the difficulty of securing a conviction under its provisions. In the Keating bill, as originally introduced, in order to obtain a conviction the burden was upon the Government to prove not only that a child was found working in a manufacturing establishment under the age of 14 years, but that the labor of that particular child actually entered into the production of a commodity which was the subject of interstate commerce. The committee in its report has sought to meet this difficulty in section 2 of the bill now under discussion by making the fact of the employment of a child under 14 years of age or between 14 and 16 for more than eight hours *prima facie* evidence of a violation of this act.

The question naturally arises whether the making of an act which in itself may be perfectly innocent *prima facie* evidence of guilt is constitutional or wise; but assuming that it is constitutional and wise, it is only *prima facie* evidence. Let us suppose an actual case of a complaint under this bill if in its present form it becomes a law. The Government puts an inspector on the witness stand, who testifies that he has found a child working in some factory under 14 years of age, and the Government rests its case. The foreman of the factory then goes on the stand and testifies that the special kinds of goods which that child was working upon were intended for shipment, or were actually being shipped, to points entirely within that State. Then the Government is obliged to go forward and contradict that evidence by proving that those particular goods were intended to be shipped, or were actually being delivered for shipment, in interstate commerce, which it will be almost impossible to do. Now, Mr. Chairman, the amendment which I have offered affords a way in which this bill can be enforced, and enforced practically every time, whether the Government is able to sustain the burden of proof just mentioned or not. It puts the responsibility upon the carrier as well as upon the producer and dealer,

just as Congress has done in the Penal Code in regard to the transportation of immoral and obscene books and papers, in which cases it has placed the responsibility not only upon the shipper but also upon the carrier, and even upon the receiver.

Under the provisions of my amendment every shipment of goods in interstate commerce must be accompanied by an affidavit that the provisions of section 1 of this act have been complied with, and that no child labor has entered into the production of that particular commodity. Now in those States where child-labor legislation like this has been enacted by the State legislatures I have provided a remedy to do away with the inconvenience and burden of filing a separate affidavit with each individual shipment by providing that in place of it a general affidavit may be filed by any manufacturing concern with the Secretary of Labor, renewable every six months, setting forth that in that factory or that manufacturing establishment no child under 14 years of age has been employed in any capacity and that no child in that establishment between 14 and 16 years of age has been employed more than eight hours in any one day or more than six days in any one week, for the six months next preceding. Not only will this general affidavit be universally made use of by concerns in all of those States which have proper labor legislation, but also in the other States. On account of the inconvenience of filing a separate affidavit in the case of each shipment the temptation will be strong to file a general affidavit, and wherever such a general affidavit has been filed you can always get a conviction if the Government inspector finds a child working under 14 years of age or under the conditions forbidden by section 1 of the act, because in every such case the evidence is conclusive that a false affidavit has been filed. In short, if this amendment is adopted, the bill is not harmed. If the Government is able to sustain its heavy burden of proof, it is capable of being enforced.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALLINGER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DALLINGER. Mr. Chairman, if, on the other hand, it is found difficult to obtain a conviction under the remainder of the bill, a conviction can always be obtained where a general affidavit has been filed under the provisions of the paragraph which I have moved to have added to the first section of the bill, by simply offering testimony that a single child has been employed in the factory or other manufacturing establishment under the age of 14 years, or has been employed between the ages of 14 and 16 years, for more than eight hours in any one day or more than six days in any one week, or after the hour of 7 o'clock in the afternoon or before the hour of 7 o'clock in the morning, for the reason that if this amendment is adopted I shall later offer an amendment to the penal provisions of section 6 of the bill imposing the same penalties for the making of a false affidavit as are imposed by that section for the violation of the other provisions of the bill.

Mr. Chairman, the permitting by the electorate of this country of the exploitation of child labor for the sake of financial gain, which has been going on to a greater or less extent for a quarter of a century, is in my opinion, next to the permitting for a much longer period of the institution of human slavery, the greatest crime against humanity of which the American Nation has been guilty, and for which some day it will have to answer before the bar of Divine Justice.

I must confess that I have always failed to understand how men calling themselves Christians have been willing to reap profits at the expense of the physical and mental well-being of the childhood of America. The Great Founder of Christianity, when He was upon this earth, was meek and gentle and spent His time going about doing good. He taught throughout His earthly ministry the great principle that love is the fulfilling of the law, and He came to establish upon earth the brotherhood of man. There were times, however, when He spoke in words of no uncertain meaning of the inevitable punishment of those who for selfish greed oppress the innocent and helpless. It was He who said: "Woe unto him who shall offend one of these little ones; it were better for that man if a millstone were hanged about his neck and he were drowned in the depths of the sea."

Mr. Chairman, every consideration of reason and justice demands the passage of this legislation, and it is for the sole purpose of making this legislation effective and of stamping out for all time this blot upon our Christian civilization that I have offered this amendment, and sincerely hope that it will be adopted and that the bill as amended will be enacted into law.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, it is now nearly 4 o'clock. We have read half of the first section of the bill. There are nine sections of this bill. Under the new rule of the House, which was adopted yesterday and for which most of the Members voted but for which I did not, consideration of this measure will automatically close at a fixed hour. If this bill is delayed this day until it is impossible to keep a quorum, and there is still a number of sections of the bill to be read, the bill will not be passed on next Wednesday in my opinion. The amendment now offered is in good faith, but many of the amendments which have been offered have been offered for the purpose of delay and filibuster. I think the time has nearly arrived when the gentleman in charge of the bill, in order to accommodate the mass of the membership of the House who do not care to be unduly inconvenienced in hearing speeches to which they do not desire to listen, ought to commence to move the bill along to its final disposition. [Applause.]

Mr. ADAMSON. Mr. Chairman—

The CHAIRMAN. Will the gentleman from Georgia indulge the Chair just a moment?

Mr. ADAMSON. Of course. The gentleman from Georgia will indulge the Chair in anything.

The CHAIRMAN. The Chair wants to say that a good many gentlemen have asked to be recognized for the purpose of speaking on the bill, by offering to strike out the last word or for the offering of amendment. The Chair thinks the better rule is to recognize those gentlemen who have amendments which affect the bill and perfect it according to their views, and he will give recognition to those gentlemen in preference to pro forma amendments. [Applause.]

Mr. ADAMSON. Mr. Chairman, I do not wish to cause any delay, nor have I very much to say. I thought it useless for the distinguished and eloquent gentleman from Massachusetts [Mr. DALLINGER] to announce that his amendment was in good faith, for considering the grotesque bill now before the committee it is not difficult for me to understand that some people can do anything in good faith, and if anything can be worse than the bill it must be the amendment of the gentleman from Massachusetts. But, Mr. Chairman, I rose for the purpose of corroborating a portion of the speech of my eloquent colleague from Georgia [Mr. HOWARD]. As to the part in which he confessed to having failed while he was solicitor general to convict vagrants I have no dispute with him; as to the part in which he boasted of the broad, high-minded, great, strong, good men and the beautiful and accomplished women in Georgia I proudly concur with him [applause]; but he deplored the degraded, desolate condition of the benighted Carolinas. I admit all the good things he says for Georgia. I believe the output shows on the average that she knows how to raise just as good men and women as Massachusetts, Pennsylvania, or Colorado. Comparisons are always odious, but the gist of this bill being to attend to somebody else's business because they can not attend to it themselves invites comparison.

Conditions of factory life and labor in Georgia are ideal. The factory communities are model villages. They have schools, churches, and libraries, all liquor, gambling, and all vice being strictly and effectively prohibited. We teach the children in Georgia to work, because an "idle brain is the devil's workshop; an idle hand the devil's best instrument." We teach them to work not always because their work is peculiarly profitable or necessary for support of them or their family but in order to educate them in industry and economy and skill in production fully as important as teaching them languages, rhetoric, or mathematics. I have reason to state that some other States do as well and are unjustly and cruelly maligned here.

Therefore I decline to indorse the balance of the speech of my colleague, which I understand to mean that, standing on this exalted pinnacle of self-sufficiency and ability, we deem it necessary to resort to the subterfuge of invoking and perverting the commerce clause of the Constitution to pick up poor benighted North Carolina and help her out of the dumps. I decline, either for Georgia or myself, to join either the Pharisees, who are professing to be "holier and better than thou," or the Shylocks, who propose, as some gentlemen here have openly and shamelessly argued, to equalize the conditions which God Almighty has made unequal throughout the different parts of the country. I want to say to those gentlemen that their mistake lies in this, that they think it necessary for everybody to follow the same pursuits and to do the same things in every clime, which is contrary to nature and abnormal. There are

things which men can do, each in his own section and under the peculiar conditions thereof, without trying to do violence to the instrumentalities of commerce in this country and the common sense and the decency and the equal rights of various parts of the country, and without reflecting upon the people of other States and insulting large sections of the country which bid fair by their progress to outstrip the localities and enterprises of the persons interested. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. DALLINGER].

The question was taken, and the amendment was rejected.

Mr. LEWIS, Mr. PRICE, Mr. WEBB, and Mr. BYRNES of South Carolina rose.

The CHAIRMAN. For what purpose does the gentleman from Maryland [Mr. LEWIS] rise?

Mr. LEWIS. I move that debate on this section and all amendments thereto be closed at 15 minutes after 4 o'clock.

Mr. WATSON of Virginia. Is that motion debatable, Mr. Chairman?

The CHAIRMAN. That motion is not debatable. The gentleman from Maryland moves that all debate to this paragraph and all amendments thereto be closed at a quarter past 4 o'clock.

Mr. WEBB. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WEBB. That does not cut off the right to offer an amendment?

The CHAIRMAN. Oh, no. This is simply limiting debate on this paragraph and all amendments thereto to quarter after 4 o'clock.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia [Mr. WATSON] may be heard for three minutes on this motion.

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] moves that all debate on this paragraph and amendments thereto close at 4 o'clock and 15 minutes p. m.

Mr. BYRNES of South Carolina. Mr. Chairman, I wish to offer an amendment to the motion of the gentleman from Maryland. I move to amend by striking out the words "quarter past 4."

Mr. LEWIS. I think that is not in order, sir.

Mr. MANN. We will agree to that.

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] moves that the motion offered by the gentleman from Maryland [Mr. LEWIS] be amended by striking out the words "quarter past 4." That would close debate on this paragraph and all amendments thereto, but would not at this moment prevent offering amendments ad libitum.

Mr. DYER. Debate would be closed, Mr. Chairman?

Mr. MOORE of Pennsylvania. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Will that mean that gentlemen who have amendments to offer will be precluded from offering them?

The CHAIRMAN. The Chair just said it would not.

Mr. MOORE of Pennsylvania. Will it preclude debate?

The CHAIRMAN. The Chair has just said that it would.

Mr. BYRNES of South Carolina. Mr. Chairman, I wish to withdraw my amendment.

Mr. MANN. Mr. Chairman, I renew the amendment.

Mr. HEFLIN. Mr. Chairman—

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] is recognized.

Mr. HEFLIN. I understood the gentleman from Maryland [Mr. LEWIS] to move that all debate close on the pending amendment at a quarter past 4 o'clock. It is now five minutes of 4. The gentleman from South Carolina [Mr. BYRNES] moves to strike out "quarter past 4."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. BYRNES] to the motion of the gentleman from Maryland.

Mr. BYRNES of South Carolina. I ask unanimous consent to withdraw my amendment.

Mr. MANN. I object.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. HARRISON. Mr. Chairman, I ask for a division.

The CHAIRMAN. The question is on the amendment of the gentleman from Maryland as amended by the gentleman from South Carolina.

The gentleman from Mississippi will please wait until the Chair states the question.

Mr. HARRISON. If the Chair will allow me, I was on my feet when the Chair announced the vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. BYRNES] to the amendment offered by the gentleman from Maryland [Mr. LEWIS].

The committee divided; and there were—ayes 181, noes 10.

Mr. RAGSDALE. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from South Carolina demands tellers. Those in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Only three gentlemen have arisen—not a sufficient number. The question is on agreeing to the motion offered by the gentleman from Maryland [Mr. LEWIS] as amended by the gentleman from South Carolina [Mr. BYRNES].

The question was taken, and the amendment was agreed to.

Mr. VARE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. VARE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VARE: Amend section 1 by inserting after the word "years," on line 1, page 2, the following: "who work more than eight hours in any one day or more than six days in any one week, or after the hour of 7 o'clock p. m., or before the hour of 11 o'clock a. m.; and each minor between the age of 14 and 16 years so employed shall, during the period of such employment, attend, for a period or periods equivalent to not less than six hours each week, a public school, during the usual public school term: *Provided*, That the school hours shall not be on Saturdays nor before 8 o'clock a. m. nor after 5 o'clock p. m. of any other day."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. VARE].

The question was taken, and the amendment was rejected.

Mr. VARE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. VARE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DYER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the amendment just considered.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The Clerk read as follows:

Amendment offered by Mr. ROGERS: On page 2, lines 2, 3, and 4, after the word "week," in line 2, strike out the remainder of the section and insert in lieu thereof the following: "or between the hours of 7 o'clock p. m. and 7 o'clock a. m."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The question was taken, and the amendment was rejected.

Mr. BYRNES of South Carolina. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all after the word "years," on page 1, line 10, down to and including the word "antemeridian," in line 4, page 2.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

Mr. WEBB. Mr. Chairman, I move to strike out, in line 5, page 1, the words "situated in the United States."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The Clerk read as follows:

Amend, page 1, by striking out, in line 5, the words "situated in the United States."

Mr. SHERLEY. Mr. Chairman, I desire to make a point of order to the amendment, and I do it for this purpose: A moment ago in a hurry I made a statement to the House, which the Chair accepted, in which I think I was in error. I made the statement that a motion to strike out words would not be in order

if it would have the effect of giving the bill a scope which could not be given by an affirmative amendment. I think that ought to be so, but in my haste I said just contrary to what was decided by the Speakers to whom I referred. I think I owe it to the House and to myself to make this statement. I will not press the point now, but some day I want to make that point plain.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The question was taken, and the amendment was rejected.

Mr. WEBB. Mr. Chairman, I move in line 8, after the word "establishment," to strike out the word "situated," and in line 9, at the beginning of the line, the words "in the United States."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The Clerk read as follows:

Amend, page 1, lines 8 and 9, by striking out the words "situated in the United States."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 57, noes 69.

Mr. WEBB and Mr. MOORE of Pennsylvania demanded tellers.

The CHAIRMAN. Tellers are demanded. All those in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Evidently a sufficient number; and the Chair appoints Mr. WEBB and Mr. KEATING as tellers.

Mr. MANN. Mr. Chairman, I ask for the other side.

Mr. WEBB. Too late, Mr. Chairman. The Chair has already appointed tellers.

The CHAIRMAN. The Chair thinks the gentleman from Illinois [Mr. MANN] is a little too late. The tellers have been appointed.

Mr. MANN. Very well. I am willing to stay a little longer while the gentlemen filibuster.

The CHAIRMAN. The tellers will take their places and gentlemen will pass between the tellers.

The committee again divided; and the tellers reported—ayes 57, noes 101.

So the amendment was rejected.

Mr. WEBB. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1 by adding at the end of said section the following: "That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce the product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment in the United States which has been produced in whole or in part by persons of foreign birth, unless such persons have been duly naturalized."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The question was taken, and the amendment was rejected.

Mr. WEBB. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1 by adding at the end of said section the following: "That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce the product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment in the United States which has been produced in whole or in part by persons who live and sleep in any room in which more than three persons live and sleep."

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina [Mr. WEBB].

The amendment was rejected.

Mr. WEBB. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1 by adding at the end of said section the following: "That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce the product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment in the United States which has been produced in whole or in part by any foreign-born person between the ages of 16 and 21, unless such person is able to read and write some language."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. WEBB. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1 by adding at the end of said section the following: "That no person, firm, or corporation shall ship or deliver for shipment in interstate commerce any products of sewing machines, if said sewing machines are operated by any girl under the age of 18 years."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. WEBB. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1 by adding at the end of said section the following: "That no canned goods shall be shipped in interstate commerce if any person under the age of 14 years has assisted in canning such goods, whether by piecework or in canning factories."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. WEBB. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1 by adding at the end of said section the following: "That no fish shall be shipped in interstate commerce if caught, cleaned, or packed by any person under the age of 14 years."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. WEBB. Mr. Chairman, I offer another amendment.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that all the amendments which the gentleman holds in his hand may be considered en gross.

Mr. WEBB. Mr. Chairman, I will state that I have one affecting the gentleman's State, which I want to give him an opportunity to vote upon separately.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1 by adding at the end of said section the following: "That no oysters, if caught, gathered, or prepared for shipment in whole or in part by any person under the age of 14 years, shall be shipped in interstate commerce."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. WEBB. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1 by adding at the end of said section the following: "That no person, firm, or corporation shall ship or receive for shipment in or through interstate commerce any goods, wares, or merchandise if such person, firm, or corporation employs girls or women and pays them less than \$8 per week."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. WEBB. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1 by adding at the end of said section the following: "That no newspaper publishing company shall ship or receive in interstate commerce any goods, wares, or merchandise, if such newspaper company employs boys or girls under the age of 14 to vend newspapers in any city having more than 4,000 population."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. WEBB. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1 by adding at the end of said section the following: "That no manufacturing plant shall ship in interstate commerce any of its products, if more than 60 per cent of its labor is foreign born."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. WEBB. One more amendment, Mr. Chairman, and this is the last one.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of section 1, the following:
"No producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce any product or article produced in whole or in part by the labor of children under 16 who were employed or permitted to work in producing or handling said product or article after the hour of 7 p. m., or before the hour of 7 a. m."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting in line 4, page 2, after the word "antemeridian," the following: "or by the labor of children under the age of 21 who are not members of some organization affiliated with the American Federation of Labor, and whose purpose is to protect the interest of wage earners."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was rejected.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting in line 4, page 2, after the word "antemeridian," the following: "or the product of any mine or quarry, which has been produced in whole or in part by the labor of persons who are not affiliated with the organization known as the United Mine Workers of America."

Mr. ADAMSON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMSON. Ought not the amendment to prescribe what they shall have for breakfast and how it shall be cooked? [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting in line 4, page 2, after the word "antemeridian," the following: "or by the labor of any person, male or female, who is caused to work more than eight hours in any one day or more than six days in any one week."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting on line 4, page 2, after the word "antemeridian," the words "or the merchandise of any store or mercantile establishment where female children under 21 years of age are employed, and where suitable chairs are not provided for the use of such female employees at reasonable times to such extent that may be requisite for the preservation of their health."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting on line 4, page 2, after the word "antemeridian," the words "or by the labor of children under 21 years of age who receive as compensation for their labor less than \$2 per day."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

Mr. RAGSDALE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 10, after the word "children," insert "actually performed in any mill, cannery, workshop, factory, or manufacturing establishment."

Mr. RAGSDALE. Mr. Chairman, I ask unanimous consent to discuss this proposed amendment for two minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to discuss the amendment for two minutes. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read section 2, as follows:

SEC. 2. Proof of the presence within 60 days prior to the shipment of such product therefrom (first) in a mine or quarry of a child under the age of 16 years, or (second) in a mill, cannery, workshop, factory, or manufacturing establishment (a) of a child under the age of 14 years, or (b) of a child between the ages of 14 years and 16 years for more than eight hours in any one day or more than six days in any one week, or after the hour of 7 o'clock p. m., or before the hour of 7 o'clock a. m. shall be prima facie evidence that such product has been produced in whole or in part by the labor of such a child.

The Clerk read the following committee amendment:

In line 5, page 2, strike out the word "presence" and insert the word "employment."

Mr. RAGSDALE. A point of order, Mr. Chairman. Has section 1 been adopted?

The CHAIRMAN. It has been passed—

Mr. RAGSDALE. The question was not put as to the adoption of it.

The CHAIRMAN. It is unnecessary to vote on the section. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. WATSON of Virginia. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 5, after the word "employment," insert "in any mechanical capacity contributory to the production of any goods herein excluded from interstate commerce."

Mr. WATSON of Virginia. Mr. Chairman, the rule of evidence prescribed in this bill, if gentlemen will reflect a moment, is an exceedingly harsh one. The mere employment in a factory of a child under the prescribed age, no matter in what the capacity, constitutes prima facie evidence of the guilt of the offense described in this bill. A child under the age of 14 in a factory who conveys a message from one department to another at any time within 60 days prior to the shipment of goods would constitute prima facie evidence of guilt and subject the owner of the factory to arrest and prosecution, in a distant court, it may be, and to all the penalties and costs that would accrue from such prosecution.

The amendment is offered to define the kind of employment which shall be considered prima facie evidence of guilt. It ought not to be that the mere presence and employment of a child at a factory in noncommercial work should be held prima facie evidence of guilt. No such rule of evidence has ever been enacted heretofore that I know of.

Not only that, but there are goods made and manufactured in factories within the prescribed age limit for home consumption. That would be no crime under the provisions of this bill. A child employed in the manufacturing of goods which are to be sold at home is not unlawfully employed under your proposed law. But the employment of that child in a lawful occupation if the factory happened to be making goods for interstate commerce at the same time would, under the law you propose, be prima facie evidence of the guilt of the offense you pronounce in this bill. It ought not to be that the employment of a child as a messenger, or in any other capacity not mechanical, or contributory to the production of the goods for interstate shipment, should be held prima facie evidence of the guilt in this law. I hope that the members of the committee and of this House will appreciate the distinction I am trying to make in undertaking to fix a rule of evidence here which would not make a perfectly lawful act prima facie evidence of crime. I think, gentlemen, this amendment is entitled to serious consideration, and that this rule as now stated is harsh and unusual.

Mr. LEWIS. Mr. Chairman, the amendment so assiduously presented by the gentleman from Virginia [Mr. WATSON] would introduce confusion into the application of this rule. I move that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Maryland moves that all debate on this section and all amendments thereto close in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. ALMON. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out section 2 of the bill.

[Mr. ALMON addressed the committee. See Appendix.]

Mr. WEBB. Mr. Chairman, a few moments ago I introduced six or seven amendments which are constitutional, if this bill is constitutional. Of course I regard all of the amendments offered clearly unconstitutional, and the bill also, but I wanted to show the House what in my opinion would some day rise up to plague this House. Some of those amendments, if not all of them, in

the same shape as I introduced them will come back to the floor of this House seriously, because if we have power to pass this bill we have power to pass each one of the amendments which I offered.

The amendment I offered in order to shut out foreign child labor made goods, if we are going to deny American child labor made goods interstate transportation, received 57 votes to 101 votes on a teller vote, and I desire to call attention of the House to the fact that the distinguished leader of the Republicans, the gentleman from Illinois [Mr. MANN] did not think it wise to protect America from foreign child-made goods, and neither did the distinguished Member from Ohio [Mr. LONGWORTH]. Both of those distinguished gentlemen voted against my amendment. I desire that fact to be on record because we have heard so much talk about protecting America and American children against the manufactures of foreign children.

I would like to see this whole section 2 stricken out, because it is going to be the source of a multitude of spies and informers. I warn you gentlemen from other States, who are going to vote for this bill, not to rest in false security from the provisions of this bill. All of your manufacturers must comply with it, and place thousands of stamps upon all their articles of manufacture. It controls every and all child-labor laws, and your present State laws will be set aside, and this Federal law will operate on your internal manufacture and be enforced in the Federal courts by United States officials. I deny that a child 13 years old in North Carolina works 11 hours a day. They work from 4 to 4½ hours a day; the rest of the time they play on the lawn outside the mill. They handle little spools, 11 ounces in weight, which is much easier labor than they had been doing before they came to the factory. They get from 75 cents to \$1.25 per day for such labor which enables the mother to buy good furniture, live in good rooms, such as many of them never had until they came to these "awful blood-thirsty, life-destroying" places, which agitators call southern cotton mills.

I want to resent the charge that any child ever works in my State as much as 11 hours a day. The doffer boys are only employed from 12 to 16, and their work can hardly be called work. They are employed for 10 hours, but only work constantly about half that time, during which they have to pick the spools off the spinning machines and put them in a light box and roll them away, and then they go out and play until they are called to come in again for similar work, and that makes a day's labor. That is the "horrible" condition you want to remedy down in North Carolina. Why not clean up Chicago, where my friend, Mr. MANN, lives? I saw an article from Springfield, under date of January 22, which says:

POVERTY VICE SOURCE—ILLINOIS INVESTIGATORS TELL OF CAUSES OF IMMORALITY—DANGER IN HOMES OF THE POOR—WAGES OF LESS THAN \$8 A WEEK INADEQUATE, STATE COMMISSION REPORTS—CONDITIONS OF DOMESTIC EMPLOYMENT ARE ARRANGED.

SPRINGFIELD, ILL., January 22.

Poverty is the principal cause of immorality; a minimum wage for girls and women should be \$8 a week; and unregulated conditions of domestic employment render the home, in many cases, a breeding place of commercialized vice, according to the Illinois Senate white-slave investigation committee's report made public this week.

Thousands of girls, it says, are driven into prostitution "because of the sheer inability to keep body and soul together on the low wages they receive."

EMPLOYMENT SYSTEM CONDEMNED.

The system of domestic employment in America is condemned in positive terms. "Unregulated conditions of domestic employment, uncertain hours, absence of definite social status, and lack of creative opportunities render the home in many cases for the woman servants a breeding place of immorality," says the report.

Investigation disclosed that more women of the underworld fell into dishonor from domestic employment than from any other work. Of 181 girls sent to the State training school at Geneva, Ill., who had worked for a wage previous to commitment the committee found that 115, or 63.55 per cent, had been engaged in domestic service.

Now, if the Federal Government is going into the general business of correcting the morals and protecting the health of all the people, why do you aim at the little, cleanly factory? Why not make it apply to the big department stores and the poor girl who stands 8 to 10 hours on her feet? Why not make employers pay \$8 a week, and thus protect her from shame? Why not regulate her hours of labor in Chicago by Federal power? You can do it with the same ease as you undertake to regulate labor in cotton factories. That would help to clean up Chicago, says this white-slave committee. It says that because of the small pay the poor girls get in that city it makes it a breeding place of commercialized vice. You can not charge any such thing as that to the southern cotton manufacturer, where children and young women are employed.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

The committee amendment was read, as follows:

Page 2, line 17, strike out the figure "2" and insert the figure "3."

The question was taken, and the amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, strike out all of section 3.

Mr. BYRNES of South Carolina. Mr. Chairman, the gentleman from Georgia [Mr. HOWARD] in addressing the House stated that conditions in Georgia were not the same as in South Carolina; that in Georgia the manufacturers were humane and the State threw the strong arm of the law around its children to protect them. I know that every Member learned with delight that the strong arm of the law in Georgia could protect some one. [Laughter and applause.] Likewise the gentleman from Colorado [Mr. KEATING] lectures the people of the Carolinas. I had the honor of serving as a member of the committee that investigated the Colorado strike, and not only went down into the mines but also into the homes of the miners. I am acquainted with conditions in many cotton-mill villages in South Carolina, and in no village have I ever seen such deplorable conditions as existed in nearly every mining camp in Colorado. I have no doubt that in considering this matter he has in mind the conditions in his own State, but his very ignorance of conditions in cotton-mill villages in South Carolina illustrates the danger of Congress undertaking to regulate conditions of which they know nothing. If this legislation is enacted, then every Congressman must familiarize himself with labor conditions in every State else he can not intelligently regulate such conditions.

There is not on record a petition from a single operative for this legislation. The gentleman from Wisconsin [Mr. LENROOT], without addressing the Chair, says, "Of course not"; and I have no doubt he is sincere in believing that it was not done, because they feared such action would meet the disapproval of the mill owners. But he is wrong. Because of my experience in Colorado I know that in that State, and I presume in others, where the employees are foreigners, the workers are ruled by their employers in political matters, and the employees fear to express their political opinions, unless they coincide with those of their employers. But in South Carolina conditions differ. There the employees never fail to express their views politically and take an active part in politics, and they generally are opposed to the faction to which the mill owner belongs. The gentleman from South Carolina [Mr. NICHOLS] was not exaggerating this morning when he said that he was elected to Congress by the cotton-mill operatives and in spite of the bosses. I know the operatives and know but few of the bosses. The operatives, as I say, are generally on the opposite side politically from the bosses, and do not hesitate to express their opinion, and if they were in favor of this measure they would not have hesitated to so inform us instead of sending petitions to oppose it. I know that you wonder then why they are opposed to the bosses in politics. My own opinion is that inasmuch as they come from the farms they have brought with them the independence that is bred on the farm, and while they are willing to let the boss manage the ball team or engage in welfare work, they are quick to resent any effort to influence them in their political views.

Mr. PARKER of New Jersey. Mr. Chairman, I desire to say a few words in favor of striking out this section, because I was a member years ago, in good old Republican days, of the Committee on the Judiciary of this House that reported unanimously against the constitutionality of this sort of a bill. I urge this House not to do evil that good may come.

Children are the hope of the State. They will be the State. The glorious work of making them worthy citizens, of giving them all a sufficient education, which includes the chance to learn how to earn their own living, their protection from oppression, their uplift, and, to that end, the regulation of every sort of business, this glorious work belongs to each State, to be carried out in every town, in every school, in every church, and in every family. And in proportion as that work is done in the State, in the town, in the church, in the school, and in the family community, that State will go on, and the State that neglects it will fall.

Under the influence of the splendid movement for the proper regulation of labor, especially of women and children, each State is now trying out such regulations as it thinks its condi-

tion and situation demand. They may make mistakes, but their experiments are testing what regulations are practical, effective, and beneficial, and will tend to make the children the most valuable, the most cherished, and the proudest possession of every family, so that they will rejoice in a full quiver. But that regulation is intrusted by the Constitution of the United States to the separate States, and rightly so, for the work can not be done so well by inflexible national rules, not only through the Union but through the islands of the sea.

We have all taken our oath to support that Constitution. I, at least, can not vote for this bill under that oath, even if I were convinced that this jurisdiction ought to be taken away from the States. And the bill itself confesses that we can not regulate labor, for it does not attempt such regulation; but, instead of that, it asks us to legalize a boycott—it is nothing else—of goods that are lawfully made in the State where they originate. A boycott may be fairly defined as a conspiracy or agreement to outlaw a man for doing what is perfectly lawful. Such a conspiracy is itself a crime. We, as a legislature, can lawfully put a ban on what is unlawfully produced. We are asked here to boycott what is lawfully produced, and even to imprison men who deal in what was lawfully made, and we are asked to enact this ban against our sister States—against sovereign States—and to bar their people and lawful products from interstate commerce.

This boycott is likewise to be supported by an army of inspectors and detectives and by the fine and imprisonment of people who deal in lawful goods.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. KEATING. Mr. Chairman, I regret having to do so, but I will have to object. We are objecting to other gentlemen.

Mr. PARKER of New Jersey. I never have made any delay on this bill.

Mr. KEATING. The gentleman is one of the most courteous gentlemen on this floor, but in order to facilitate business I shall have to object.

Mr. MANN. Ask leave to extend.

Mr. PARKER of New Jersey. I have the right to extend already.

The CHAIRMAN. The gentleman from Colorado [Mr. KEATING] objects.

Mr. PARKER of New Jersey, under leave to extend his remarks, submits the following:

The ban is not to touch foreign trade and the products of peonage or of child labor in foreign mills. Other nations are left to manage their own concerns, although, indeed, we could lawfully regulate foreign commerce in that regard. This boycott is directed especially against the rights that are guaranteed to our own States under our Constitution.

Did anyone ever pretend that the United States before the war could have barred cotton from interstate and foreign commerce because, though slavery was lawful, it had been raised by slave labor? That case would have had much more in its favor.

Is the law to make it a crime to trade in what is lawfully made? Is it to recognize and use the lawful power of putting men under a ban who have committed no crime? Must a country storekeeper have a certificate every time that he sells a handkerchief or a pair of socks?

If control by inspection and a passport system is to apply to all such transactions, it will be police government and not government by law.

We all sympathize with the objects sought by the promoters of this bill, but they will do the greatest harm to their cause if they take away the interest and responsibility in this matter of the neighborhood and the State which now has full power.

We shall do still more harm to the cause of liberty if we try to legalize an unconstitutional and oppressive exercise of police power in interstate commerce, even in order to secure a worthy end.

Mr. RAGSDALE. Mr. Chairman, while it is not often that all of us can enjoy the proud privilege of so distinguished a statesman as he who comes from so great a State as the gentleman from Georgia, yet there are some of us who come from States that may claim a little merit. We feel, at least, that in those emergencies that arise in which the chief executive of our respective States extend the right of executive clemency under the constitution of the State, that while we may fail to rise to broad and patriotic duties on other questions, we will at least rise to as high a point as that to which the distinguished citizens of Georgia arose, and try to defend our chief executive from the

attacks of other patriotic, broad-minded patriots in our States when they try to strike down the chief executive while he is trying to discharge the duties devolving upon him under the constitution.

The CHAIRMAN. The question is on the amendment—

Mr. LEWIS. Mr. Chairman, I move now, sir, that the committee do rise.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman from Maryland [Mr. LEWIS] withdraw his motion?

Mr. LEWIS. No; I can not, I regret to say.

The CHAIRMAN. The gentleman from Maryland moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8234, known as the child-labor bill, and had come to no resolution thereon.

Mr. KEATING. Mr. Speaker, I desire to submit the following privileged motion.

Mr. BYRNES of South Carolina rose.

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. BYRNES of South Carolina. To make the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and nineteen gentlemen are present—a quorum. The Clerk will report the privileged resolution offered by the gentleman from Colorado [Mr. KEATING].

Mr. BYRNES of South Carolina rose.

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

ADJOURNMENT.

Mr. BYRNES of South Carolina. To move that the House do now adjourn.

The SPEAKER. The gentleman from South Carolina moves that the House adjourn. The question is on agreeing to that motion.

The question was taken; and the Speaker announced that the "noes" seemed to have it.

Mr. BYRNES of South Carolina. A division, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina demands a division. Those in favor of the motion to adjourn will rise and stand until they are counted. [After counting.] Twenty-nine gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] One hundred and sixty-nine have risen in the negative. On this vote the ayes are 29 and the noes are 169.

Mr. BYRNES of South Carolina. Mr. Speaker, I make the point of no quorum, according to that count.

Mr. HOWARD. Mr. Speaker, I make the point of order that the point of order is dilatory.

The SPEAKER. The Chair thinks a Member has the right to demand a quorum and have a count.

Mr. HOWARD. The Speaker has just counted.

The SPEAKER. Yes; the Chair has just counted; but you do not know how many have gone out since. The Chair will count again. [After counting.] Two hundred and twelve Members are present.

Mr. KEATING. Mr. Speaker, I desire to move a call of the House.

Mr. CRISP. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. CRISP. I make the point of order that the House was dividing, and that under the rules of the House when the House is dividing there is no call of the House.

Mr. MANN. The House was not dividing.

Mr. CRISP. Yes; the House was dividing.

Mr. MANN. The gentleman is correct.

The SPEAKER. The gentleman from Georgia is correct. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on agreeing to the motion to adjourn.

The question was taken; and there were—yeas 48, nays 317, not voting 69, as follows:

YEAS—48.

Adamson	Callaway	Dent	Godwin, N. C.
Almon	Candler, Miss.	Dickinson	Hardy
Bell	Cannon	Dies	Harrison
Blackmon	Clark, Fla.	Doughton	Heflin
Burgess	Coady	Finley	Hood
Byrnes, S. C.	Crisp	Garrett	Houston

Hughes
Lee
Lever
Nicholls, S. C.
Page, N. C.
Park

Pou
Ragsdale
Rayburn
Sears
Sisson
Slayden

Stedman
Stephens, Miss.
Tillman
Tribble
Venable
Vinson

Walker
Watson, Va.
Webb
Whaley
Wilson, Fla.
Wise

NAYS—317.

Abercrombie
Allen
Anderson
Anthony
Ashbrook
Austin
Ayres
Bailey
Barchfeld
Barkley
Barnhart
Beakes
Beales
Bennet
Black
Booher
Borland
Britt
Britten
Browne, Wis.
Browning
Bruckner
Buchanan, Ill.
Buchanan, Tex.
Purke
Burnett
Butler
Byrns, Tenn.
Caldwell
Campbell
Cantrill
Capstick
Caraway
Carew
Carlin
Carter, Mass.
Carter, Okla.
Cary
Casey
Chandler, N. Y.
Charles
Chipherfield
Church
Coleman
Collier
Connelly
Conry
Cooper, Ohio
Cooper, W. Va.
Cooper, Wis.
Copley
Costello
Cox
Crago
Cramton
Cresser
Curry
Dale, Vt.
Dallinger
Danforth
Darrow
Davenport
Davis, Minn.
Davis, Tex.
Decker
Denison
Dewalt
Dill
Dillon
Dixon
Doollittle
Doremus
Dowell
Driscoll
Dunn
Dyer
Eagan
Edmonds
Edwards
Ellsworth

Elston
Emerson
Esch
Evans
Farley
Farr
Ferris
Fields
Flood
Fordney
Foss
Foster
Freeman
Fuller
Gallivan
Gard
Gardner
Garland
Garner
Glass
Glynn
Good
Goodwin, Ark.
Gordon
Gray, Ind.
Gray, N. J.
Green, Iowa
Greene, Mass.
Greene, Vt.
Griffin
Hadley
Hamill
Hamilton, Mich.
Hamilton, N. Y.
Hamlin
Hart
Haskell
Hastings
Hawley
Hayden
Hayes
Heaton
Helgesen
Helm
Hilvering
Henry
Hensley
Hernandez
Hicks
Hill
Hillard
Hinds
Holland
Hollingsworth
Hopwood
Howard
Huwell
Huddleston
Hubert
Hull, Iowa
Hull, Tenn.
Humphrey, Wash.
Humphreys, Miss.
Husted
Hutchinson
Igou
Jacoway
James
Johnson, Ky.
Johnson, S. Dak.
Johnson, Wash.
Kahn
Kearns
Keating
Kelster
Kelley
Kennedy, Iowa
Kennedy, R. I.
Kettner
Key, Ohio

Kincheloe
King
Kinkaid
Kitchin
Kreider
Lafane
La Pollette
Langley
Lenroot
Leshner
Lewis
Lieb
Lindbergh
Linthicum
Lloyd
Lobeck
London
Longworth
Loud
McAndrews
McArthur
McClintic
McCracken
McCulloch
McDermott
McGilluddy
McKellar
McKenzie
McKinley
McLaughlin
McLemore
Madden
Magee
Mann
Mapes
Martin
Matthews
Mays
Meeker
Miller, Del.
Mondell
Moon
Mooney
Moore, Pa.
Moore, Ind.
Morgan, Okla.
Morrin
Mott
Mudd
Murray
Nelson
Nichols, Mich.
Nolan
North
Norton
Oakley
Oldfield
Oliver
Olney
O'Shaunessy
Padgett
Parker, N. J.
Parker, N. Y.
Phelan
Platt
Powers
Pratt
Price
Quin
Rainey
Raker
Ramseyer
Randall
Rauch
Reavis
Relly
Ricketts
Riordan
Roberts, Mass.
Rodenberg

Rogers
Rouse
Rowe
Rowland
Rubey
Rucker
Russell, Mo.
Russell, Ohio
Sabath
Sanford
Schall
Scott, Mich.
Scott, Pa.
Shackelford
Shallenberger
Sherwood
Shouse
Siegel
Sims
Sinnott
Slomp
Sloan
Smith, Mich.
Smith, Minn.
Smith, N. Y.
Smith, Tex.
Snel
Snyder
Steele, Iowa
Steele, Pa.
Steenerson
Stephens, Cal.
Stephens, Nebr.
Sterling
Synness
Stone
Stout
Sulloway
Summers
Sweet
Swift
Switzer
Taggart
Tague
Talbot
Tavener
Taylor, Ark.
Taylor, Colo.
Temple
Thomas
Thompson
Tilson
Timberlake
Tinkham
Towner
Treadway
Van Dyke
Vare
Volstead
Walsh
Ward
Wason
Watkins
Watson, Pa.
Wheeler
Williams, T. S.
Williams, W. E.
Williams, Ohio
Wilson, Ill.
Wilson, La.
Wingo
Winslow
Wood, Ind.
Woods, Iowa
Young, N. Dak.
Young, Tex.

NOT VOTING—69.

Adair
Aiken
Alexander
Aswell
Bacharach
Brown, W. Va.
Brumbaugh
Cline
Cullop
Dale, N. Y.
Dempsey
Doolling
Drukker
Dupré
Eagle
Estopinal
Fairchild
Fess

Fitzgerald
Flynn
Focht
Frear
Gallagher
Gandy
Gillett
Gould
Graham
Gray, Ala.
Gregg
Griest
Guernsey
Haugen
Hay
Jones
Kent
Kiess, Pa.

Konop
Lazaro
Lehlbach
Liebel
Littlepage
Loft
McFadden
Maher
Miller, Minn.
Miller, Pa.
Montague
Morgan, La.
Morrison
Moss, Ind.
Moss, W. Va.
Neely
Oglesby
Overmyer

Paige, Mass.
Patten
Peters
Porter
Roberts, Nev.
Saunders
Scully
Sells
Sherley
Small
Smith, Idaho
Sparkman
Stafford
Steagall
Sutherland

Mr. ADAIR with Mr. FREAR.
Mr. MONTAGUE with Mr. GRAHAM.
Mr. BROWN of West Virginia with Mr. MOSS of West Virginia.
Mr. CLINE with Mr. BACHARACH.
Mr. STEAGALL with Mr. FAIRCHILD.
Mr. SPARKMAN with Mr. DRUKKER.
Mr. AIKEN with Mr. FOCHT.
Mr. ALEXANDER with Mr. FESS.
Mr. ASWELL with Mr. GRIEST.
Mr. CULLOP with Mr. GUERNSEY.
Mr. DALE of New York with Mr. HAUGEN.
Mr. DUPRÉ with Mr. GOULD.
Mr. ESTOPINAL with Mr. PAIGE of Massachusetts.
Mr. FITZGERALD with Mr. GILLET.
Mr. GALLAGHER with Mr. KIESS of Pennsylvania.
Mr. GREGG with Mr. LEHLBACH.
Mr. KONOP with Mr. McFADDEN.
Mr. LIEBEL with Mr. MILLER of Pennsylvania.
Mr. LITTLEPAGE with Mr. PETERS.
Mr. MORGAN of Louisiana with Mr. MILLER of Minnesota.
Mr. MORRISON with Mr. PORTER.
Mr. SHERLEY with Mr. ROBERTS of Nevada.
Mr. PATTEN with Mr. SELLS.
Mr. SCULLY with Mr. WHEELER.
Mr. SMALL with Mr. SUTHERLAND.

The result of the vote was announced as above recorded.
The SPEAKER. The House refuses to adjourn. A quorum is present. The Doorkeeper will unlock the doors.
Mr. KEATING. Mr. Speaker, I move the previous question on the motion which is now at the Clerk's desk.
The SPEAKER. The Clerk will report it first.
The Clerk read as follows:

House resolution 107.

That it shall be in order to continue the consideration of H. R. 8234 on call of the Committee on Labor on Calendar Wednesday until said bill shall be fully disposed of before proceeding with the call to any other committee.

Mr. KEATING. I move the previous question on the adoption of that resolution.

Mr. HARRISON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. HARRISON. To make a point of order on that motion.

The SPEAKER. The Chair will hear it.

Mr. HARRISON. The point of order is that last Tuesday the rule concerning Calendar Wednesday was amended and changed by the House.

Mr. MANN. A week ago Tuesday.

Mr. HARRISON. Yes. The rule that was adopted at that time reads as follows:

Provided, That not more than two hours of general debate shall be permitted on any measure called up on Calendar Wednesday, and all debate must be confined to the subject matter of the bill, the time to be equally divided between those for and against the bill: *Provided further*, That whenever any committee shall have occupied two Wednesdays it shall not be in order, unless the House by a two-thirds vote shall otherwise determine—

And so forth. The point I make is that the motion comes prematurely; that it is not in order to make a motion to continue the two Wednesdays that this rule would allow for the consideration of the bill until the time allotted for the two Wednesdays has been exhausted. Now you are placed in this attitude at this time: The time is not yet exhausted. This committee have another Wednesday or a part of another Wednesday in which to consider this bill, but here at this time, prematurely, they bring in a motion to continue indefinitely, as I understood the amendment, the consideration of this bill, giving the Committee on Labor a preference over other committees, and I submit that it is violative of the rule that was adopted by the House a week ago Tuesday and that the motion is not now in order and will not be in order until all the time granted under the rule—that is, the two Wednesdays—has been exhausted.

Mr. MANN. Mr. Speaker, the gentleman is in error as to the law and also in error as to the facts. Take the facts first. The Committee on Labor has occupied two Calendar Wednesdays in succession. We passed a bill last Wednesday, on the call of committees, from the Committee on Labor, and commenced and had up for consideration another bill from this committee. By the unanimous consent of the House they have already been granted three hours on next Wednesday, but that is not under the rule. That was by unanimous consent of the House. The rule says that whenever any committee shall have occupied two Calendar Wednesdays, it shall not be in order unless the House, by a two-thirds vote, and so forth. They have occupied two Calendar Wednesdays. The committee has risen to-day and reported to the House. They have occupied the Calendar Wednesday to-day,

So the motion to adjourn was rejected.
The Clerk announced the following pairs:
Until further notice:
Mr. LAZARO with Mr. DEMPSEY.

and they occupied Calendar Wednesday a week ago. The two Calendar Wednesdays under the rule have been occupied, and the mere fact that the House, by unanimous consent, has given them three hours next Wednesday, not under the rule but under unanimous consent, does not change the language of the rule.

Mr. HARRISON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HARRISON. The gentleman does not pretend that the Committee on Labor has not two or three hours next Calendar Wednesday under the rules of the House?

Mr. MANN. They have three hours next Wednesday, by unanimous consent, but not under any rule.

Mr. HARRISON. If I understand the situation, last Wednesday, it was about 2 or 3 o'clock in the day that rather than proceed there was a unanimous-consent agreement entered into that some other committee of the House might take up their work and utilize the balance of the day.

Mr. MANN. I understand so; that is substantially the case, by unanimous agreement, but if they had only occupied 15 minutes of last Calendar Wednesday, under the rule that would be considered as having occupied a day.

But, Mr. Speaker, as long as this matter is up, it seems to me that there ought to be a broader ruling than that. Here is the case now before the House. Rules are made for the convenience of the House in order to carry on the business of the House. The House may want to know before it begins the consideration of a bill whether it will have one or two days, whether, in taking up the consideration of a bill, owing to the importance of the bill, it will proceed in advance to take three or four days or a longer time. Here is the identical case now. The question now for the House is whether it will authorize the consideration of this bill on next Calendar Wednesday and until it shall be completed, or whether it prefers, if that is not done, to finish it to-day, as it has a right to do. It is a matter for the convenience of the House, and it meets the convenience of the House to give the right to make the motion in advance of the consideration or at any time during the consideration of a bill, so that Members may guard themselves in the actual consideration of the bill. [Applause.]

The SPEAKER. All the rules of the House are intended to expedite business and not retard it, and all the rulings by the Chair ought to be in harmony with that idea. Under certain circumstances the House makes a unanimous-consent agreement, but circumstances may change in 24 hours so that it wants to do something else. It would be tying our hands absolutely to say that you could not change a unanimous-consent agreement. It takes a two-thirds vote to make this extension. It could have been made just as well when the bill was first called up as it can be made now, or it could be made at any particular time the House saw fit. What has happened is that the Members of the House have evidently concluded in their own minds that they can not finish the bill to-day, and they wish it to be in order next Wednesday. Therefore a motion is made to settle the question now. The Chair thinks it is not premature, and that it might have been made on last Wednesday. The Chair overrules the point of order. The question is on the motion of the gentleman from Colorado for the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the resolution of the gentleman from Colorado.

The question was taken, and two-thirds having voted therefor, the resolution was agreed to.

On motion of Mr. LEWIS, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. LITTLEPAGE was granted leave of absence for five days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. IGOE was given leave to withdraw from the files of the House, without leaving copies, papers in the case of R. W. Pavey, Sixty-third Congress, no adverse report having been made thereon by the Committee on War Claims.

DIRECTORY OF THE ORDER OF RAILWAY CONDUCTORS.

Mr. DENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a letter from the vice president of the Order of Railway Conductors of America.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

WASHINGTON, D. C., January 25, 1916.

HON. PERL D. DECKER, Member of Congress,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: The information has come to me that certain persons have carried on quite extensively among Members of Congress and officials in the departments what seems to have been a rather lucrative business, soliciting for a directory and roster claimed to be published by the Order of Railway Conductors.

I desire to state that these persons do not represent in any way the Order of Railway Conductors, and that no one has authority to sign for this organization except the president and the grand secretary. I beg to suggest also that if an attempt is made by anyone to solicit funds from you in the name of the Order of Railway Conductors for any purpose that you inform me, as we desire to prevent the perpetration of frauds of the character indicated.

Yours, respectfully,

W. M. CLARK.

Vice President, National Legislative Representative,
Order of Railway Conductors.

SPECIAL ORDER.

Mr. HENRY. Mr. Speaker, I ask unanimous consent that on Saturday next, immediately after the approval of the Journal, I be allowed 20 minutes to address the House on some phases of the address of the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House on Saturday next for 20 minutes immediately after the approval of the Journal and disposition of matters on the Speaker's table, not to interfere with appropriation bills, privileged matters, and so forth. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House was requested:

S. J. Res. 76. Joint resolution authorizing the Secretary of War to loan 1,000 tents and 1,000 cots for the use of the encampment of the United Confederate Veterans to be held at Birmingham, Ala., in May, 1916; and

S. J. Res. 86. Joint resolution for repair and rebuilding of the levee at Yuma, Ariz.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 76. Joint resolution authorizing the Secretary of War to loan 1,000 tents and 1,000 cots for the use of the encampment of the United Confederate Veterans to be held at Birmingham, Ala., in May, 1916; to the Committee on Military Affairs.

EXTENSION OF REMARKS.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the child-labor bill.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, I make the same request.

Mr. COX. I make the same request.

Mr. CHURCH. I make the same request.

Mr. RAKER. I make the same request, Mr. Speaker.

Mr. FARR. Mr. Speaker, I make the same request.

The SPEAKER. The gentlemen from Wisconsin, Missouri, Indiana, California, and Pennsylvania ask unanimous consent to extend their remarks in the RECORD on the child-labor bill. Is there objection?

There was no objection.

Mr. KEATING. Mr. Speaker, I ask unanimous consent that all Members have five legislative days after Wednesday next within which to extend their remarks in the RECORD on the child-labor bill.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Thursday, January 27, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9213) to

authorize the Gary Land Co. to construct a bridge across the Grand Calumet River, in the State of Indiana, reported the same with amendment, accompanied by a report (No. 78), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 16) permitting minors of the age of 18 years or over to make homestead entry of the public lands of the United States, reported the same with amendment, accompanied by a report (No. 79), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EVANS: A bill (H. R. 10027) granting to the State of Montana 100,000 acres of land in said State for the support of a school of forestry at the State university; to the Committee on the Public Lands.

By Mr. DILL: A bill (H. R. 10108) to create a Federal tariff commission, to define the duties and powers, and for other purposes; to the Committee on Ways and Means.

By Mr. HELVERING: A bill (H. R. 10109) for the reduction of the rate of postage chargeable on first-class mail matter for local delivery; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: A bill (H. R. 10110) to increase the salary of the United States district attorney for the district of Rhode Island; to the Committee on the Judiciary.

By Mr. SMITH of New York (by request): A bill (H. R. 10111) to construct two national multiroad highways, the first along or near to the thirty-fifth parallel of north latitude, from the Atlantic to the Pacific Ocean, the second along or near to the twenty-third meridian west from Washington, D. C., north to Canada and south to Mexico; to the Committee on Roads.

By Mr. EDMONDS: A bill (H. R. 10112) for the reduction of the rate of postage chargeable on first-class mail matter for local delivery; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: A bill (H. R. 10113) providing for the election, by popular vote, of the members of the Board of Education of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAYDEN: A bill (H. R. 10114) making an appropriation for the construction of a bridge at Nogales, Ariz.; to the Committee on Appropriations.

Also, a bill (H. R. 10115) authorizing the adjustment of rights of settlers on the Moqui and Navajo Indian Reservations in the State of Arizona; to the Committee on Indian Affairs.

Also, a bill (H. R. 10116) for the relief of certain settlers under reclamation projects; to the Committee on Irrigation of Arid Lands.

Also (by request), a bill (H. R. 10117) for the relief of entrymen within the State of Arizona who relinquished their desert or homestead entries for the purpose of filing lieu-land scrip through the Santa Fe & Pacific Railroad Co.; to the Committee on the Public Lands.

Also, a bill (H. R. 10118) to repeal section 2138 of the Revised Statutes of the United States; to the Committee on Indian Affairs.

By Mr. CRISP: A bill (H. R. 10119) to amend the Judicial Code; to the Committee on War Claims.

By Mr. RANDALL: A bill (H. R. 10120) governing the hours of work and mileage of railway postal clerks; to the Committee on the Post Office and Post Roads.

By Mr. ELLSWORTH: A bill (H. R. 10121) to amend section 29 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: A bill (H. R. 10122) making an appropriation for the improvement of the Rocky Mountain National Park; to the Committee on Appropriations.

Also, a bill (H. R. 10123) for the reduction of the rate of postage on first-class mail matter for local delivery; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 10124) to add to the Rocky Mountain National Park, Colo., certain lands; to the Committee on the Public Lands.

By Mr. KETTNER: A bill (H. R. 10125) relating to the reclamation of arid, semiarid, swamp, and overflow lands through district organizations, and authorizing Government aid therefor; to the Committee on Irrigation of Arid Lands.

By Mr. CONNELLY: A bill (H. R. 10126) to repeal the bankruptcy act; to the Committee on the Judiciary.

By Mr. WALKER: A bill (H. R. 10127) providing for the purchase of a site and erection thereon of a public building at Baxley, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10128) providing for the purchase of a site and erection of a public building thereon at Ocilla, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10129) providing for the purchase of a site and erection thereon of a public building at Jesup, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. TAGUE: A bill (H. R. 10130) to retire postal employees on an annuity after 25 years' service; to the Committee on the Post Office and Post Roads.

By Mr. CROSSER: A bill (H. R. 10131) to amend the act approved April 8, 1904, entitled "An act to amend section 76 of an act entitled 'An act to provide a government for the Territory of Hawaii'"; to the Committee on the Territories.

By Mr. KAHN: A bill (H. R. 10132) to provide for an increase of salary, pay, or compensation of certain employees of the United States at San Francisco, Cal.; to the Committee on Reform in the Civil Service.

By Mr. HOWELL: A bill (H. R. 10133) to provide for the erection of a public building at Manti, Sanpete County, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10134) to provide for the erection of a public building at Ephraim, Sanpete County, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10135) to provide for the erection of a public building at Beaver City, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10136) to provide for the erection of a public building at Cedar City, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10137) to provide for the erection of a public building at Mount Pleasant, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10138) to provide for the erection of a public building at St. George, Utah; to the Committee on Public Buildings and Grounds.

By Mr. NEELY: A bill (H. R. 10139) to authorize the city of Fairmont to construct and operate a bridge across the Monongahela River at or near the city of Fairmont, in the State of West Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: A bill (H. R. 10140) to amend an act of Congress, approved October 22, 1914, entitled "An act to increase the internal revenue, and for other purposes"; to the Committee on Ways and Means.

By Mr. SLOAN: Resolution (H. Res. 105) authorizing the President of the United States to place an embargo upon the shipment of arms for a period of 60 days or until the grain congestion shall be relieved; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Resolution (H. Res. 106) to investigate the leasing of the Cattaraugus Indian Reservation for oil and gas operations; to the Committee on Indian Affairs.

By Mr. BARNHART: Resolution (H. Res. 108) providing for the consideration of H. R. 8664; to the Committee on Rules.

By Mr. TAVENNER: Resolution (H. J. Res. 117) setting forth principles that should guide Congress in providing for national defense; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 10141) granting a pension to Charles A. Heitzman; to the Committee on Pensions.

By Mr. ALLEN: A bill (H. R. 10142) granting an increase of pension to Amanda Lee; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 10143) to correct the military record of Charles Mace; to the Committee on Military Affairs.

Also, a bill (H. R. 10144) to correct the military record of George M. Waltz; to the Committee on Military Affairs.

Also, a bill (H. R. 10145) for the relief of Martin Cupples; to the Committee on Military Affairs.

By Mr. BENNET: A bill (H. R. 10146) granting a pension to Charles F. Winans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10147) for the relief of Dennis Shevlin; to the Committee on Military Affairs.

Also, a bill (H. R. 10148) granting a pension to Elizabeth Raines; to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 10149) granting a pension to William F. W. Gordon; to the Committee on Pensions.

Also, a bill (H. R. 10150) granting a pension to Margaret E. Bultmann; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 10151) for the relief of William A. Rose; to the Committee on Claims.

By Mr. COLEMAN: A bill (H. R. 10152) for the relief of Catherine A. McCue; to the Committee on Claims.

By Mr. CRAGO: A bill (H. R. 10153) granting an increase of pension to Mary Shultz; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 10154) granting a pension to John T. Knotts; to the Committee on Pensions.

Also, a bill (H. R. 10155) granting a pension to Frank L. Buff; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 10156) granting an increase of pension to J. G. Turk; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 10157) granting a pension to Rachel Waskom; to the Committee on Pensions.

By Mr. ELLSWORTH: A bill (H. R. 10158) granting an increase of pension to Martha Jane Curtis; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 10159) granting a pension to Dora Hewey; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 10160) granting an increase of pension to William A. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10161) granting an increase of pension to William Locust; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10162) granting an increase of pension to Mahlon R. Gaskill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10163) granting an increase of pension to Henry P. Bradbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10164) granting a pension to Maude A. Johnston; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 10165) granting a pension to George P. Vance; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 10166) granting a pension to Frank H. Campbell; to the Committee on Pensions.

By Mr. GLYNN: A bill (H. R. 10167) for the relief of Andrew Castle, alias Andrew Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 10168) granting an increase of pension to Nora Shepard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10169) granting a pension to Mary E. Fitzpatrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10170) granting a pension to Ann Stevens; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 10171) granting an increase of pension to Calvin N. Cary; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 10172) granting a pension to Jacob Tull; to the Committee on Pensions.

By Mr. HILLIARD: A bill (H. R. 10173) for the relief of Anna C. Parrett; to the Committee on Claims.

By Mr. IGOE: A bill (H. R. 10174) granting a pension to Esther C. Vernell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10175) granting an increase of pension to Rodney W. Anderson; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10176) granting an increase of pension to Sarah Fields; to the Committee on Invalid Pensions.

By Mr. KEISTER: A bill (H. R. 10177) granting an increase of pension to George W. Walters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10178) granting an increase of pension to Joseph A. Miller; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 10179) granting an increase of pension to Meredith Fletcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10180) for the relief of the heirs of Edmund C. Aiken; to the Committee on Claims.

By Mr. LOUD: A bill (H. R. 10181) granting a restoration of pension to Julia C. L. Hulbert; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 10182) for the relief of the officers of the Philippine Scouts; to the Committee on Military Affairs.

By Mr. MCGILLICUDDY: A bill (H. R. 10183) granting a pension to Georgianna L. Peabody; to the Committee on Invalid Pensions.

By Mr. MCKINLEY: A bill (H. R. 10184) granting an increase of pension to Francis M. Ellis; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 10185) for the relief of Alfred E. Lewis; to the Committee on Military Affairs.

By Mr. MONDELL (by request): A bill (H. R. 10186) granting certain lands to the National Childrens' Aid Society, a corporation organized under the laws of the State of Wyoming; to the Committee on the Public Lands.

By Mr. NEELY: A bill (H. R. 10187) granting an increase of pension to George W. Dawson; to the Committee on Pensions.

By Mr. OAKLEY: A bill (H. R. 10188) granting an increase of pension to Caroline W. Flagg; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 10189) to reimburse certain lobstermen for destruction of lobster traps, and the estimated loss of each season's catch, by United States naval vessels off Block Island, R. I., during the naval maneuvers of 1912 and 1913; to the Committee on Claims.

By Mr. PAIGE of Massachusetts: A bill (H. R. 10190) granting a pension to Carl O. Nelson; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 10191) granting a pension to Thaddeus M. Clarkson; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 10192) to remove the charge of desertion from the record of Daniel W. Light; to the Committee on Military Affairs.

By Mr. RIORDAN: A bill (H. R. 10193) granting an increase of pension to Charles Flynn; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 10194) granting an increase of pension to James Hall; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 10195) granting an increase of pension to Merritt D. En Earl; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 10196) for the relief of J. N. Lummus and C. L. Huddleston; to the Committee on Claims.

By Mr. SHALLENBERGER: A bill (H. R. 10197) for the relief of Nathaniel Monroe; to the Committee on Military Affairs.

By Mr. SHOUSE: A bill (H. R. 10198) granting a pension to Catherine Swesey; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 10199) granting a pension to David K. Craft; to the Committee on Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 10200) granting an increase of pension to Phillip L. Melius; to the Committee on Invalid Pensions.

By Mr. STEELE of Pennsylvania: A bill (H. R. 10201) for the relief of Samuel Snyder; to the Committee on Military Affairs.

By Mr. STINESS: A bill (H. R. 10202) granting an increase of pension to Hannah Sweet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10203) granting an increase of pension to Emily P. Stevens; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 10204) granting an increase of pension to Isaac E. Hurff; to the Committee on Invalid Pensions.

By Mr. STOUT: A bill (H. R. 10205) for the relief of John E. Woods; to the Committee on Claims.

Also, a bill (H. R. 10206) to allow credit in the accounts of Wyllys A. Hedges, special disbursing agent; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 10207) granting an increase of pension to Tennessee Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10208) granting an increase of pension to Mary E. Hottenstein; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 10209) granting a pension to John P. Yingling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10210) granting an increase of pension to William H. Chenoweth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10211) granting a pension to William Hinker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10212) granting a pension to Maria Warner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10213) granting a pension to Dora Hoff; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 10214) granting an increase of pension to Paulina Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10215) granting a pension to Thomas V. Graham; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 10216) granting an increase of pension to George N. Shepherd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10217) granting an increase of pension to Otto Hauschildt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10218) granting an increase of pension to Margaret J. Colton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10219) granting an increase of pension to Julia M. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10220) for the relief of John C. Shay; to the Committee on Military Affairs.

By Mr. VAN DYKE: A bill (H. R. 10221) granting a pension to Louisa Ishmael; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Rochester Chapter of the Sons of the American Revolution, urging preparedness; to the Committee on Military Affairs.

By Mr. ALLEN: Petition of E. T. Allan, of the Union Thread Co., and others, of Cincinnati, Ohio, favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, memorial of Ohio Millers' State Association, favoring legislation for growing grain and licensing of warehouses; to the Committee on Agriculture.

Also, memorial of Cincinnati Chamber of Commerce, relative to railway mail pay; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Lady Garfield Council, Daughters of America, Mansfield, Ohio, favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. BAILEY: Petition of business men of Newry, Pa., favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BENNET: Papers to accompany bill for a pension for Elizabeth Raines; to the Committee on Invalid Pensions.

Also, petition of Bronx Co., New York City, favoring tariff on dyestuff; to the Committee on Ways and Means.

Also, papers to accompany bill for relief of Charles F. Winans; to the Committee on Invalid Pensions.

By Mr. BROWN of West Virginia: Petition of Patchett Worsted Co., of Keyser, W. Va., in support of House bill 702; to the Committee on Ways and Means.

Also, petition of Dunn Woolen Co., in support of House bill 702; to the Committee on Ways and Means.

By Mr. BRUCKNER: Petition of American Association for Labor Legislation, favoring passage of House bill 476, workmen's compensation act; to the Committee on the Judiciary.

Also, petition of National Veterans' Relief Corps, favoring pensions for widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of J. A. P. Delaney, protesting against furloughing without pay certain employees in the Treasury Department; to the Committee on Expenditures in the Treasury Department.

By Mr. CARY: Petition of citizens of Milwaukee, Wis., in favor of House bill 702; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of Arnold W. Brunner, of New York, against House bill 743; to the Committee on Public Buildings and Grounds.

Also, petition of Edin P. Gleason's Sons, of New York City, favoring tax on dyestuff; to the Committee on Ways and Means.

Also, petition of William D. Schmidt, of Brooklyn, N. Y., favoring passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Cigarmakers Progressive International Union, No. 149, Brooklyn, N. Y., relative to convening a congress of neutral nations; to the Committee on Foreign Affairs.

Also, petition of the Consumers Chemical Corporation, relative to barges while in tow of steam vessels navigated by Government pilots; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Board of Trade and Transportation, protesting against reduction of mail deliveries in New York City; to the Committee on the Post Office and Post Roads.

Also, petition of Central Labor Union of Brooklyn, N. Y., favoring passage of House bill 6871 relative to convict labor; to the Committee on Labor.

Also, petition of the public forum of the Church of the Ascension, New York; Louise Banks Lott, Brooklyn; and Henry Street Settlement, New York, favoring passage of the child-labor bill; to the Committee on Labor.

Also, petition of Matmakers Union, Local 946, Brooklyn, N. Y., favoring passage of House bill 6871, relative to prison goods; to the Committee on Labor.

By Mr. DAVIS of Minnesota: Petitions of sundry cities, towns, and villages of the third congressional district of Minne-

sota, favoring tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Northfield (Minn.) Knitting Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. DILLON: Petitions of citizens of Watertown, S. Dak., favoring preparedness; to the Committee on Military Affairs.

Also, petition of Knights of Columbus, Woonsocket, S. Dak., favoring House bill 4699, to make October 12 of each year a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DYER: Memorial of members of John R. Tanner Camp, No. 7, Department of Columbia; Samuel M. Porter Camp, No. 45; Captain Charles Young Camp, No. 6; and Colonel William D. Beach Camp, No. 4, United Spanish War Veterans, favoring pensions for widows; to the Committee on Pensions.

By Mr. ELSTON: Memorial of local Sons of the Revolution of California, favoring preparedness; to the Committee on Military Affairs.

By Mr. ESCH: Petition of Claud Wright and 31 others, of Onalaska, Wis., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FLYNN: Petition of Brooklyn Branch International Wood Carvers' Association, favoring passage of House bill 4770, providing for labeling, etc., of goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Consumers' Chemical Corporation of New York, relative to barges while in tow of steam vessels; to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Labor Union of Brooklyn, N. Y., favoring passage of House bill 6871, relative to convict labor; to the Committee on Labor.

Also, petition of V. A. Prendon, relative to investigation by Congress of cooperative marketing system in Yucatan, Mexico; to the Committee on the Judiciary.

Also, petition of United Textile Workers of America, favoring passage of House bill 6871, relative to convict-labor goods; to the Committee on Labor.

By Mr. FOCHT: Evidence in support of House bill 1462, for the relief of Perry Jarrett; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8972, for the relief of David W. Corson; to the Committee on Pensions.

By Mr. FULLER: Petition of citizens of Mazon, Ill., favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petitions of theater owners of Boston, Mass., relative to more equitable tax on theaters; to the Committee on Ways and Means.

Also, petition of the Federated Irish Societies of America, demanding even-handed neutrality by United States; to the Committee on Foreign Affairs.

By Mr. HENSLEY: Memorial of Missouri Cattle, Swine, and Sheep Feeders Association, favoring uniform system of accounting of all corporations doing an interstate business in the manufacturing, buying, and selling of feed products; to the Committee on Agriculture.

By Mr. HILL: Petition of R. A. Shind Co., Harbeson Textile Co., and S. L. Hempstone Co., of New York, in favor of House bill 702; to the Committee on Ways and Means.

By Mr. HOWELL: Memorial of Utah Federation of Women's Clubs, in favor of the Keating-Owen child-labor bill; to the Committee on Labor.

Also, petition of S. I. Goodwin, of Salt Lake City, against Federal censorship of motion pictures; to the Committee on Education.

Also, memorial of Federation of Woman's Clubs of Salt Lake City, in favor of child-labor bill; to the Committee on Labor.

By Mr. HILLIARD: Memorial of National Association of Bureau of Animal Industry Employees, urging the passage of House bill 5792; to the Committee on Expenditures in the Department of Agriculture.

By Mr. IGOE: Petition of St. Louis Cotton Exchange, protesting against section 11 of cotton-futures bill; to the Committee on Agriculture.

By Mr. JACOWAY: Petition of E. R. Butler, Russellville, Ark., protesting against Federal censorship of motion-picture films; to the Committee on Education.

By Mr. KENNEDY of Rhode Island: Petitions of Le Bon Bleach and Dye Works and Dempsey Bleachery and Dye Works, of Pawtucket, R. I., favoring tariff on dyestuffs; to the Committee on Ways and Means.

By Mr. KETTNER: Resolutions in support of efforts of Oil Industry Association, to secure relief by Federal legislation; California Development Board; and Colton Merchants' Association, of Colton; also telegram from Riverside Board of Supervisors; to the Committee on the Public Lands.

Also, resolution of San Diego County Farm Bureau, in favor of national rural credits system and national marketing and information system; to the Committee on Agriculture.

Also, petition of officers of Coast Artillery Corps, National Guard of California, for passage of militia pay bill; to the Committee on Military Affairs.

By Mr. LAFEAN: Memorial of Traffic Club of Erie, relative to compensation for common carriers; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petition of Chicago Federation of Musicians, favoring the creation of a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, petition of John O'Brian and E. O. Kowalski, of Chicago, Ill., protesting any increase of the tax on beer; to the Committee on Ways and Means.

By Mr. McGILLICUDDY: Petition of Wilton Woolen Co., of Wilton, Me., in favor of House bill 702; to the Committee on Ways and Means.

By Mr. MANN: Papers accompanying House bill 8573, for relief of the estate of John C. Phillips; to the Committee on Claims.

By Mr. MORIN (by request): Memorial of Stockton (Cal.) Chamber of Commerce, relative to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, memorial of Major McKinley Council, No. 9, Pittsburgh, Pa.; and Sons and Daughters of Liberty, favoring passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of attorney general, Harrisburg, Pa., relative to appointment of clerks of the courts of the United States; to the Committee on the Judiciary.

Also, petition of Hartje Paper Manufacturing Co., favoring tax on dyestuff; to the Committee on Ways and Means.

Also, petition of Charles M. Fairman, of Pittsburgh, Pa., favoring preparedness; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition of Frederick W. Shaefer, Frank Davis, Nick Billinger, and others, of Philadelphia, favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. MILLER of Delaware: Memorial of Pomona Grange, No. 1, Patrons of Husbandry, of Stanton, Del., relative to the spread of the foot-and-mouth disease; to the Committee on Agriculture.

By Mr. NEELY: Papers filed in support of bill for the relief of George W. Dawson; to the Committee on Pensions.

By Mr. PRATT: Petition of Mr. A. Hohl, of Slaterville Springs, N. Y., favoring an embargo on further shipments of war materials; to the Committee on Foreign Affairs.

Also, petition of F. W. Ross, Thomas Wrigley, Carl N. Marshall, Robert H. Pearce, Joseph V. Foley, Robert N. Dixon, F. E. Kingsbury, Karl W. Fisher, Walter P. Ross, Edward L. Roe, Matthew O'Brien, Vincent Spraker, George V. Ganung, Harry J. Cooklin, Edward G. Wallace, Thomas Leary, C. E. Swayze, A. J. Mosher, J. E. Murphy, Joseph Ranielewicz, Charles S. Miller, Joseph McInerney, Harry B. Hazen, John F. Malone, P. E. Dixon, Albert D. Miller, Harry Baltz, George B. Williams, R. J. Benedict, D. L. O'Neil, Thomas McCarthy, Jacob Golos, Henry Kane, Ed. Havens, Asher Golos, and Edward Gaus, all employees of the Elmira Herald, of Elmira, N. Y., in favor of adequate national protection as advocated by either President Wilson or the National Security League and other organizations, and also in favor of training in the public schools as an essential for military preparedness; to the Committee on Military Affairs.

By Mr. PRICE: Petitions of sundry citizens of Talbott County, Md., asking for appropriation for dredging and opening of the harbor at Black Walnut Point at mouth of Great Choptank River; to the Committee on Rivers and Harbors.

By Mr. SANFORD: Petition of sundry citizens of Albany, N. Y., favoring passage of the Smith-Hughes bill for a Federal motion-picture commission; to the Committee on Education.

By Mr. SCULLY: Petition of Charles Mount & Co., Mr. Crawford, Mr. Burke, and D. V. Perrine, of Freehold, N. J., favoring passage of the Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: Petitions of Utica Steam and Mohawk Valley Cotton Mills and others, of Oneida Valley; Little Falls (N. Y.) Fiber Co.; New York Mills, and New York Bleachery, favoring tax on dyestuff; to the Committee on Ways and Means.

By Mr. STEELE of Pennsylvania: Petition of Pocono Hosiery Mills, of East Stroudsburg, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. STINESS: Petition of Westerly (R. I.) Textile Co., favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of citizens of Hickory City, Pa., favoring amendment abolishing polygamy in the United States; to the Committee on the Judiciary.

By Mr. THOMAS: Memorial of Local No. 1862, United Mine Workers of America, against preparedness and conscription; to the Committee on Military Affairs.

Also, petition of Local No. 1862, United Mine Workers of America, favoring the printing of the report of the Commission on Industrial Relations; to the Committee on Printing.

By Mr. TILSON: Petition of Dr. Max Mailhouse, president of the Connecticut State Medical Society, and others, for the expansion of the Medical Corps of the United States Army; to the Committee on Military Affairs.

By Mr. VARE: Petition of Roosevelt Worsted Mills, favoring tax on dyestuffs; to the Committee on Ways and Means.

SENATE.

THURSDAY, January 27, 1916.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come reverently before Thee that we may give prayerful attention to the problems that confront us in our national life. We know that beyond the measure of our minds there are great issues that do not yield their answer to the intellect alone, but lie back in the region of divine revelation. We come to seek Thy grace that we may address ourselves to the tasks that pertain to the welfare of this Nation in the spirit of the Christ, with a spirit of devotion and self-sacrifice and of piety and of brotherly love. Guide us in the discharge of these sacred duties this day. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PROPOSED EMBARGO ON MUNITIONS OF WAR.

Mr. KENYON. Mr. President, I present a petition, signed by 1,000,000 citizens of the United States, against the exportation from this country of munitions of war. The petition, now separated into a thousand parts, is in front of the Secretary's desk; and while the subject matter of the petition is not unusual, being a petition to Congress to place an embargo on the shipment of ammunition and war utensils, yet the size of the petition is something unusual, and I should like to take two or three moments, and two or three other Senators will take two or three moments, if there is no objection. Of course we realize that objection could be made, but we very earnestly hope it will not.

I ask that the heading of the petition may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The heading to the petition is as follows:

ORGANIZATION OF AMERICAN WOMEN FOR STRICT NEUTRALITY,
Baltimore, Md.

To the President and the Congress of the United States:

We, the undersigned, citizens of the United States, men and women, unite in earnest protest, for humanitarian reasons, against the exportation from this country of "the things which kill" for the use of nations engaged in the present conflict. While this sale of arms may be legal, it is morally wrong, and an embargo on arms is certainly legal and morally right. We base our protest on international law and precedent, as follows: Woolsey International Law: "If the neutral, instead of wheat, should send powder or balls, cannon or rifles, this would be a direct encouragement of the war, and so a departure from the neutral position."

President Taft in 1912 issued a proclamation forbidding the export of arms and munitions to Mexico.

In 1913 President Wilson, continuing the policy of President Taft, said that an embargo on arms "follows the best practice of nations in the matter of neutrality."

On April 23, 1898, after the Spanish-American War had begun, the British Government placed an embargo on munitions of war. The British Government also has a law on its statute books conferring discretionary power on the King of England to forbid the export of arms and ammunition.

Germany did not permit her citizens to sell arms or munitions of war to Spain during our war with that nation.

Besides all this we have President Wilson's own declaration of neutrality: "We must be neutral in fact as well as in name, and we must put a curb on every transaction which might give a preference to one party in the struggle over another."

Your signature will help stop this war.

Mr. KENYON. This petition, Mr. President, is presented by a band of women who are denominated "Organization of American Women for Strict Neutrality." The petition is signed by over a million people, reaching into every State in this Union, and if joined together in its various parts it would reach some 15½ miles.